

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eleventh
Legislature***

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 4, 1984 to April 25, 1984

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FOURTH CONFIRMATION SESSION

(FIRST CONFIRMATION SESSION – SECOND REGULAR SESSION)

May 31, 1984

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THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

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STATE OF MAINE
One Hundred and Eleventh Legislature
Second Regular Session
JOURNAL OF THE SENATE
In Senate Chamber
Tuesday
April 24, 1984
Senate called to Order by the President.

Prayer by the Reverend Moses Baker of the Augusta Gospel Tabernacle.

REVEREND BAKER: Shall we pray? Almighty God and Father, we thank You this afternoon for another privilege of being able to come to You to ask for wisdom and guidance.

We thank You that You are a God that knows the thoughts and intents of the hearts of people. We ask for this Body, this Senate, this afternoon that in all their decisions that You will give them guidance and wisdom, for we know that the decisions they make not only affect themselves but the entire State of Maine. We ask, O'God, that You give them that special wisdom and guidance, You will help them to make the right decisions, O'God, that would affect each one of us.

We just thank You that we can call upon You, for we're reminded of the words of the prophet where he referred to You as the One who was so great that You sit upon the circle of the earth, and You said all the inhabitants are as dust in Your sight, You are so great compared to man, that's why we call upon You for wisdom and strength. We just thank You and committee this Session to Your care, Father, in Jesus name. Amen and Amen.

Reading of the Journal of Friday, April 13, 1984.

COMMUNICATIONS

The Following Communication:

**STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE**

April 20, 1984

To the Honorable Members of the 111th Maine Legislature:

I am returning without my signature or approval of L. D. 2384, "An Act relating to Alcohol-Related Birth Defects."

This bill addresses one of the more serious consequences of alcohol abuse, the potential danger incurred by women who drink while pregnant. I support the intent and goals of this legislation.

However, in enacting this bill, the Legislature did not include sanctions for failure on the part of retail outlets, bars and restaurants to comply with the law. This was no oversight on the Legislature's part; Section 5 explicitly states that there be no penalty for non-compliance.

The deliberate absence of sanctions renders the bill meaningless in my judgment. Some licensees would obey the law, but others would not. This bill, then, is effectively little more than a recommendation by the legislature that warning signs be posted. Compliance is guaranteed only for a few dozen state liquor stores and agency stores.

Laws without teeth, like laws that are not enforced, should not be part of the statutes. They encourage people to ignore the law. Ultimately, this fosters disrespect for our legal process across the board and erodes public confidence in our legal institutions, including the Legislature. For this reason, I must veto this bill.

I do, however, recognize the health problems this legislation seeks to address. And in the spirit of the Legislature's intentions, I will use my authority as Governor to take the following actions:

1. I will direct the appropriate state department heads to review the practices and policies of their agencies to ensure that pregnant women they serve are counseled about the risk associated with drinking.

2. I will further direct state agencies engaged in public health and school education programs to review their programs to ensure that information about fetal alcohol syndrome is included in their curricula, and, if appropriate, increase the attention to this subject.

However, with or without sanctions, we must recognize that this bill is only one small part of a public education process. It is no substitute for the obligation of all parents to learn what steps they must take before and during pregnancy to avoid preventable birth defects. Doctors, public health clinics, counseling services and others should routinely be warning their patients and clients about these risks. A posted sign which may or may not be seen will in all likelihood educate few and deter even fewer.

Sincerely,
S/JOSEPH E. BRENNAN
Governor

Which was READ and ORDERED PLACED ON FILE.

The accompanying Bill:
Bill "An Act Relating to Alcohol-Related Birth Defects" S. P. 880 L. D. 2384 (H "B" H-644; H "D" H-666)

Which was READ
On motion by Senator PRAY of Penobscot, TABLED until later in today's session, pending CONSIDERATION.

ENACTOR

The Committee on ENGROSSED BILLS reported as truly and strictly engrossed the following:

AN ACT to Equalize Taxation of Aircraft H. P. 1869 L. D. 2471 (H "A" H-731)

On motion by Senator NAJARIAN of Cumberland, TABLED until later in today's session, pending ENACTMENT

Senator PRAY of Penobscot was granted unanimous consent to address the Senate Off the Record.

Senator COLLINS of Knox was granted unanimous consent to address the Senate Off the Record.

On motion by Senator CARPENTER of Aroostook RECESSED until the sound of the Bell
RECESS

AFTER RECESS

The Senate called to order by the President

On motion by Senator PRAY of Penobscot, the Senate removed from the Table:

AN ACT Relating to Alcohol-Related Birth Defects" S. P. 880 L. D. 2384 (H "B" H-644; H "D" H-666)

Tabled earlier in today's session on motion by Senator PRAY OF Penobscot.
Pending CONSIDERATION.

(Veto from the Governor April 20, 1984)

THE PRESIDENT: The question before the Senate is: Shall this bill become a Law notwithstanding the objections of the Governor. According to the Constitution, the vote will be taken by the Yeas and Nays.

The Chair recognizes the Senator from Kennebec, Senator Bustin.

SENATOR BUSTIN: Mr. President, before the vote is taken, I would like to have the opportunity to express my feelings about the veto.

As you know, I'm the prime sponsor of the Bill, and I was very involved in its passage up here.

This is not a class act. It shows a lack of faith and respect for the integrity of the people of the State of Maine, when the Governor vetoes a bill, because the only way that it can be enforced is if there's a penalty on it. I have more faith in the people of this great State. I believe that a high percentage of us want to obey the law, penalty or no penalty.

I remember this same argument when the no smoking in public meetings bill was being discussed. The fact that we attached no penalty if

someone refused to stop smoking if one requested it, instead of a majority of the meeting having to win the vote, hasn't damaged the enforcement arm of our government, to my knowledge. People for the most part respect the request to please not smoke. When one member of the Democratic caucus had to leave a caucus meeting because people were smoking, and a request was made to put out the cigarettes, the smokers willingly obliged. Well, maybe not willingly, but anyway they put out the cigarettes without comment.

If you notice my voice today, it sounds a little muffled. It's muffled because I have a very severe sinus infection. Cigarette smoke affects that. I just said in the caucus meeting, I didn't ask for the cigarettes to be out because I didn't think we'd be in there long, and we weren't. Nevertheless, I could have asked and they would have complied, and there would not have been any penalty if they didn't comply, and that's the important thing.

We put a bill through here last year about child restraint seats for up to four years old. We gave six months without a penalty. I didn't hear a great big hue and cry about that.

So, the precedent has already been set that we can put through laws and the people will obey them, for the most part, without having to have the enforcement arm of our Government to say that there has to be a penalty on it.

Maybe some retailers wouldn't put up a sign warning their patrons of danger when one of their products they are selling might have during a particular point in time. I can't believe that the majority of retailers wouldn't honor the intent of the legislature, penalty or no penalty, and put the signs up and not take them down once the enforcement officer had left.

I'm surprised that the Governor of this great State would use that excuse to veto this Bill. I wish I had known that he felt that strongly about the penalty. Perhaps we would have tried up here to get the Bill passed with a penalty, although I still do not believe that a penalty should exist on it. Nevertheless we could have defeated it in its own right, if that is what this Body would have wanted.

This Governor is in the forefront of getting drunk drivers off the road, of telling teenagers that they can't drive even if they sniff alcohol, or they lose their license. Yes, the stiff penalties have been necessary for a time, because it does make everyone aware of the problem.

This Bill only makes people aware of the problem of Fetal-Alcohol Syndrome, Fetal-Alcohol Affects. It is a multimillion dollar problem. All this is a warning sign, a health notice, that if you take this particular drug—and I suspect that's what the opposition has such a problem with, that it is a drug they take particular note of it, it happens to be a pet drug in Maine and in the nation but it is a drug. It seems to me that we ought to have some kinds of attachment, some kinds of warning, to go along with it. We don't only through the public service announcements, only through the amount of time and energy and commitment that a lot of people in this State have put into the alcohol treatment, therefore, making people aware of that particular problem.

It's unfortunate that a Governor who is so concerned about cost containment, and was successful in passing that good piece of legislation, cannot see that a Bill such as this might have some affect on not spending \$50,000 per child, per F.A.S. child to take care of once they are born.

I mean, that's what we're talking about. Those children live to be at least sixty years old. Sixty times fifty thousand gives you three million dollars for one person for the State to take care of. If only one person was born without the syndrome that might have been born with it, we save three million dollars in that sixty year period, is it worth it? Of course it's worth it.

I considered after hearing about the veto

putting an amendment on the Bill that would reinstate the penalty, knowing full well that I couldn't here, but I considered it. I asked a member of the Governor's staff to find out for me what an adequate acceptable penalty would be, but then I reconsidered. I really do not think that retailers should be penalized for not putting up the sign. The few who would flout the law are not worth putting those retailers who want to obey the law, penalty or no penalty into jeopardy, simply because a sign may have been knocked down or may have been lost in some inadvertent manner and had not remained up there. I'll give them the benefit of the doubt.

All I wanted was to be able to have the people, and the Legislature of this State, acknowledge that there's a problem with F.A.S. and F.A.E., and that we have a responsibility to make the people out there aware of it. The most important place to make these people aware is at the point of sale, that's where you make people aware, in anything. You buy a drug from the prescription counter, what's in it? I mean, we even license the people who serve those drugs to us. We license them to make sure that they know what they are doing. When we give a license to have a retailer to sell beer or wine or liquor, we don't test them to find out what kind of knowledge they know about alcohol and it's affects, but we test the pharmacists so we're protected in that regard, but we're not protected with alcohol.

It appears that this piece of legislation has become an issue dealing with penalties as opposed to what it was intended to do, which is a notice to warn of a health danger if ingested at a particular point in time. When you have a notice up in the retail stores, you're not just notifying pregnant women, and keep in mind that those proprietors are not just owners of stores, they're grandmothers, grandfathers, mothers, fathers, sisters, brothers, friends. They're the ones who may go home and tell whoever they know who may be pregnant that they ought not to drink or if they were going to they ought to call an 800 number to find out exactly what that affect is going to be.

The Bill itself has a lot of support throughout this State, and through out the Nation. The file that was in the Governor's Office for him to look at had many, many communications from very respectable people all across this Nation urging him to sign that Bill.

I wanted to speak to the Governor before the veto was taken. I didn't have that privilege. I hadn't pressed to talk to the Governor previously, because I know he was going through a personal tragedy, and I would never interfere with that. If he weren't going to veto the Bill, then there was no point in my speaking to him or taking up his time, however I did request that I, at least, be allowed to speak to him before he vetoed it. I didn't have that privilege.

What happened was he signed the veto message, sent it up to the press, put an embargo on it for twenty minutes. Members of the press honored the embargo, called me before the Governor's Office ever got to me. In fact, the Governors Office never did get to me, I called them after I got notified of it through the press. He was so anxious to get that veto message up that they did not honor that request. I guess, if anything disappoints me, that disappoints me. Even though I may not have been successful in dissuading the Governor from his action, at least I would have felt that I had an opportunity to impact before the signing.

I have met with the Governor after the signing, just this afternoon, and I know, I don't want to imply that the Governor is unaware of the problem, or that he doesn't care about what happens to these children, or that even that it happens to the children, because he does care. In his veto message he has told us that he intends to make sure that his Departments do their public service announcements and that they notify the people, but that's not

enough. That's not enough!

What you need is to let people know where they buy the product, that's what you need. It takes care of a lot of time and effort and energy that you put forth in trying to get that message across and don't have this avenue to do it. I mean, this was a very good avenue. It happened to be where everybody was selling it. It makes sense to me.

The Governor has indicated that he would consider, very carefully and very seriously having the signs put up in agency stores and State liquor stores. I think that's commendable and I thank the Governor for that and I hope it happens. Nevertheless, that only gives us part of the pie, if we get it, and I know I should be satisfied with that, and I know that's a biggy.

Nevertheless, I'm asking you to override this veto because I do think that it's important. I do think that we need to warn the people of this State. I understand that the four commissioners had written the National Council on Alcoholism to let them know of their support, but the Governor chose to listen to one commissioner, the Commissioner of Public Safety, Arthur Stilphen, who has so little faith in the people of this State that he can say they will disobey the law if we don't have a penalty on the law. Maybe he's right. Certainly he deals with those people who break the law every day, so I can understand his viewpoint.

When his head does come out of the sand, and once he is no longer Commissioner, and he no longer has to deal with those who break the law everyday, he might be able to reestablish his faith in the majority of human beings who do not break the law, penalty or no penalty.

I have little hope that this veto can be overridden. I think that is sad, both for the people of this State of Maine and for the Governor. Had I heard a reason other than the penalty, I might have been able to be more objective, maybe not. I believe in this Bill.

I believe the people of this State have a right to know that a product they are buying in our State liquor stores, in our retail stores, retail outlets, could cause birth defects if ingested at a particular point in time, and that's adequate reason to ask to have a sign put up to warn them.

The liquor lobby is intact. It is well and happy and fat. Maybe next time I ought to hire them to lobby my bills, but would you be happy and well and fat once you have the misfortune of being made aware of a F.A.S. or F.A. E. child? Will you be if it happens to a member of your family because someone was unaware of the dangers? It's one thing to be aware of the dangers and choose to drink anyway, it's another to be unaware, drink during pregnancy, and spend the rest of your life looking at, dealing with and paying for an F.A.S. child.

We have a mother of an F.A.E. child with us on this Bill. Her name is Lenny Mullins. She lives and she works in Bangor. She was unaware of the affects alcohol would have on her fetus. The anguish this mother goes through every day of her life is worth your vote to override this veto. I hope you see it Lenny's way and my way. Give us your vote. The children of our future need it. Thank you.

OFF RECORD REMARKS

THE PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from York, Senator Danton.

SENATOR DANTON: Mr. President and Members of the Senate. First, I'd like to say that a week or so ago when we debated this Bill, I commended the Senator from Kennebec, Senator Bustin and her Committee for doing their job, bringing this issue up front, making us aware of the problem and right then and there, they should have stopped. Instead, as we all know, they proceeded and they had a bill which had a \$250 fine, and that was supposed

to be amended downwards, down to \$25, and then the fine was amended out completely, until the bill became, really absolutely nothing, and I think the Governor is right.

You know, just because we get elected to the Maine Senate, I don't think that we have any special wisdom here on the Third Floor of the State House, that we have to protect everyone from everything. I think we should exercise a little bit of common sense and show a little respect for adult people and mature people.

If we were going to take and carry this to the enth degree, so to speak, why not put a sign or a billboard in front of butter telling people butter is dangerous for your health, it has cholesterol—heart problems? Or, better still, why not put a sign up in a pastry shop, telling them that too much pastry makes you obese and that's bad for your health? Or, better still, why not tell people "Don't sit down and lay down, you should be up walking and running, that's a lot better for your health?"

I think that the Governor has taken a very serious, responsible and intelligent step in vetoing this Bill. First, if you read his veto message, and I'll just read two points that he makes. He goes on to say, and I quote: "I will direct the appropriate State department heads to review the practices and policies of their agencies to ensure that pregnant women they serve are counseled about the risk associated with drinking." The second point that he makes: "I will further direct State agencies engaged in public health and school education programs to review their programs to ensure that information about Fetal-Alcohol Syndrome is included in their curricula, and, if appropriate, increase the attention to this subject."

I think the Governor is sensitive to this, and I think the good Senator herself, Senator Bustin from Kennebec, agrees with that, but I also agree with him that's what is the sense of having a law on the book that isn't a law? It's one that can be ignored by the people. If we're going to start, even with this law, allowing people to ignore the law, God only knows where we're going to end up.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Hayes.

SENATOR HAYES: Men and Women of the Maine Senate, I'd remind the good Senator from York, Senator Danton, that this Bill is designed to protect the most helpless of individuals, the unborn, or the fetus within the woman's body. It's not to protect someone from choosing to eat butter or to have a banana split.

Fetal-Alcohol Syndrome is one of the most tragic of social problems in our society. It is tragic because this is a social concern that is preventable.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pray.

SENATOR PRAY: Thank you, Mr. President. Mr. President and Ladies and Gentlemen of the Senate, one concern, and I'll attempt to be brief, that I have in the remarks that have been made in reference to the reasons that we probably should override the Governor's veto was the comparison with the no smoking law.

The no smoking law has no penalties, basically is enforced by peer pressure. The situation that the good Senator from Kennebec, Senator Bustin, used in her presentation was the Democratic caucus where one member of that caucus was bothered by cigarette smoke. The pressure placed upon other individuals in a public place by their peers is a very strong force. It would be my expectations that if this Bill, with no penalty, is going to rely upon peer pressure for enforcement or the pressure of an individual who walks in, and say perhaps, that it is a woman who is pregnant, may not be buying for herself, but may, all of a sudden, through the store owner or the clerk or what-not, be told: "Didn't you read the sign? Don't you know what that could do to you?" Even

though, she herself, may not be consuming that beverage that she is purchasing. It puts a little bit of a taint upon that individual, and it's a type of pressure that I don't think is a significant reason to utilize for the enforcement of this legislation.

I think the intent has been pointed out and been clearly brought to the forefront of the public, the Governor has, in all sincerity, attempted to address some of those concerns in a meaningful way, a very meaningful way.

The solution or the attempt for a solution to the problem is one that I think we all applaud, but probably the best way to do it, and I only throw it out as a suggestion, is similar to the cigarette package, the warning labels right on the package. No individual has to go in and take the peer pressure of other individuals around them who are doing whatever their actions are doing. They can read it right there in black and white, on the container, and I would suggest to the good Senator, I'm sure who would return to the 112th, to consider that type of legislation instead.

The warning is what her concern is, the fact that these people be made aware of it. I think that that responsibility should not be placed upon the business community, but upon the personal individual, himself. In that type of format, then she may be able to achieve her goal, but I do not think that this legislation is the way that we should do it.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Bustin.

SENATOR BUSTIN: Not to delay this any more but I feel that I have to respond to some of those points.

The pressure that would be put on a pregnant woman had she gone to have a drink in a bar and the bartender said: "Should you be drinking kind of thing?" I discussed that with my daughter, who is 22 years old and not pregnant right now, thank goodness, but she is not, but in any case I said, "Kathy, would you have a hard time if somebody came up to you and said that?" She said, "No, of course I wouldn't, any woman worth her salt in this day and age wouldn't have a problem with telling somebody to get lost if they were infringing on what they considered their right. They wouldn't have any problem with that."

We are talking ERA here, we want to stand up side by side with you men and we want to be considered along with you men. Would you men take harassment like that? You wouldn't take it, you'd say: "bug off don't bother me."

The pressure to keep the signs up, I think is the one that I mentioned that most people want to obey the law and that those proprietors are not only proprietors, but they are also members of families, and that is the most compelling reason that you can have.

As to putting the cigarette warning idea into affect on the bottle, I think that that is a wonderful idea. It is an absolutely great idea and I would like to see it done, however I think that we all have to acknowledge that that is more a National issue than a State issue. Can even you imagine if we got this kind of lobbying effort here on this simple warning bill of putting a sign up, what kind of a lobbying effort we would get from the liquor lobby on such a Bill? Amazing. Sure, I would love to put it in, it would be an exercise in futility, but, you know I am engaged in lots of exercises in futility up here. I don't mind, I just as soon do that. Sometimes I like to be a little bit realistic, I thought that I was being realistic with this sign.

One of the things that I would like to mention, the good Senator from York, mentioned about the Governor's veto message and he said: "this bill addresses one of the more serious consequences of alcohol abuse." In fact, this bill does not address one of the most serious consequences of alcohol abuse. It address a public health warning about the use of alcohol during a particular time. That's all that it does.

It doesn't mean if I choose to drink that I am

abusing the alcohol. It means that what I am warned against is that it may have an affect upon my fetus. That's what we are talking about, not about abuse, "use" at a particular time, so that is not what it is.

What I would like to leave you with is that there was a survey made nationwide, to find out how people found out about F.A.S. and F.A.E. There were eleven choices; posters, or these warning signs was the third most effective. The most effective was family members. Where do you suppose family members learned about the dangers of F.A. S. and F.A. E.?

THE PRESIDENT: Is the Senate ready for the question? The question now before the Senate is: Shall this Bill become a law notwithstanding the objection of the Governor? According to the Constitution the vote will be taken by the Yeas and Nays.

A vote of "YES" will be in favor of the Bill.

A vote of "No" will be in favor of sustaining the veto of the Governor.

Is the Senate ready for the questions?

The Doorkeepers will secure the Chamber.

The Secretary will call the roll.

ROLL CALL

YEAS—Senators, Brown, Bustin, Carpenter, Collins, Diamond, Gill, Hayes, Hichens, Kany, Minkowsky, Pearson, Perkins, Trafton, Violette, Wood.

NAYS—Senators, Baldacci, Charette, Clark, Danton, Dutremble, Emerson, Erwin, McBreairty, Najarian, Pray, Redmond, Sewall, Shute, Teague, Twitchell, Usher, The President—Gerard P. Conley.

ABSENT—Senator, Dow.

15 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 1 Senator being absent, and 15 being less than two-thirds of the members present and voting, the veto was SUSTAINED

Out of order and under suspension of the rules, the Senate voted to consider the following:

COMMUNICATIONS

The Following Communication:

STATE OF MAINE

Senate Chamber

President's Office

Augusta, Maine 04333

April 24, 1984

Honorable Joy J. O'Brien

Secretary of the Senate

State House

Augusta, Maine 04333

Dear Madam Secretary:

I am pleased to authorize and direct you to serve on a full-time basis when the 111th Legislature is not in regular or special session, as provided in Section 22 of Title 3 of the Maine Revised Statutes Annotated.

Sincerely,

S/GERARD P. CONLEY

President of the Senate

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

STATE OF MAINE

Senate Chamber

President's Office

Augusta, Maine 04333

April 24, 1984

Honorable Joy J. O'Brien

Secretary of the Senate

State House

Augusta, Maine 04333

Dear Madam Secretary:

I am pleased to authorize and direct Valerie Mitchell to serve on a full-time basis when the 111th Legislature is not in regular or special session, as provided in Section 22 of Title 3 of the Maine Revised Statutes Annotated.

Sincerely,

S/GERARD P. CONLEY

President of the Senate

Which was READ and ORDERED PLACED

ON FILE

The Following Communication:
COMMITTEE ON TAXATION
111th Legislature

April 24, 1984

The Honorable Gerard P. Conley

President of the Senate

111th Legislature

Dear President Conley:

We are pleased to report that all business which was placed before the Committee on Taxation during the second regular session of the 111th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	45
Unanimous reports	38
Leave to Withdraw	15
Ought to Pass	5
Ought Not to Pass	0
Ought to Pass as Amended	12
Ought to Pass in New Draft	6
Divided report	7

Respectfully submitted,

S/FRANK P. WOOD

Senate Chair

S/H. CRAIG HIGGINS

House Chair

Which was READ and ORDERED PLACED ON FILE

OFF RECORD REMARKS

On motion by Senator NAJARIAN of Cumberland, the Senate removed from the Table:

An Act to Equalize Taxation of Aircraft H. P. 1869 L. D. 2471 (H "A" H-731)

Tabled—April 24, 1984 on motion by Senator NAJARIAN of Cumberland

Pending ENACTMENT

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Najarian.

SENATOR NAJARIAN: I now move that this Bill be Passed to be Enacted.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Wood.

SENATOR WOOD: Mr. President and Members of the Senate. I'm under no illusion that I'm going to stop this high-flying plane this morning, it's been well fueled, and will be on its way very shortly, but in all honesty, I just want to read into the Record my concerns, and hopefully at some future date when whoever is the Chairman of the Taxation Committee, they can look back at this and ponder if they're ever faced with another bill.

My reason for opposing this Bill is because we are opening the door or setting a precedent for an exemption that I don't think is warranted. We are assuming that airplanes are different from buses, or trucks, or railroad cars, or any other forms of interstate commerce, and are excluding these groups but including airplanes. I don't see any justification for including airplanes. In fact, I think that probably the Attorney General, if he reviewed this closely might have some reservations about the equal protection clause of the Constitution.

Also, my other concern is that the prime beneficiary of this Bill has been sued by the State for nonpayment of taxes. The State felt they had a good case but settled, decided to settle out of court. I am not sure that, that is the way we should run our business at the State level. I do not think we should reward those that we have to take to court by granting them an exemption. I realize that this exemption will make it easier for this airline to operate in the State of Maine, and I realize that this airline has suggested that if it did not get the exemption that it would leave the State. That to me smacks of blackmail, something that I don't think this Legislature should respond to. Although I don't want to see any operation have to leave the State, I think you have to draw the line at some point. If the business is financially capable of profiting in this State, all

well and good, but I don't think we should establish tax policy to prop up an industry that might be on its way out anyway.

The other point that I have is the Sunset Provision. This seems to be sending to the business community a very conspicuous signal that this policy really has very little merit and we are simply doing it for one year to save this airline. While, we're not willing to do it for other industries, so situated in the State. If we were, it would cost the State \$20,000,000, we all know that is not going to occur, and yet, we live sort of in this mythical world that if we do it for one year, it's perfectly all right, and that just doesn't make sense from a tax purpose.

The other point of opposition is that this is special interest legislation of the worst type. Our taxes are collected in this State, really, on a voluntary basis. We do not have the personnel to go out and perform audits and collect taxes the way they do in other states or in Washington. As long as the general public has confidence in the tax system, they are willing to pay their taxes, but when they see special interest legislation of this type, that erodes that confidence and thus, their desire to pay taxes. It would have been much better to simply have granted an outright gift to this industry, get them over the hump, and then let them go on paying taxes in the future.

Finally, the last point that I would make is one that we've heard a great deal about and that is business climate. What about the business climate of this State?

The Taxation Committee undertook a study of the business climate over the summer and it came to the conclusion that what the business community wants is a stable, predictable tax climate, and that is the most important and effective way to encourage development in the State. By passing laws such as tax conformity you are allowing for a predictable and stable tax climate. However, it erodes the predictability and perceived equity of the system when individual taxpayers are able to accomplish changes in the tax system with little perceived justification other than favoritism. Someone must pay for tax benefits that are given to special interests.

The Taxation Committee has heard increasing opposition from both small and large businesses having to pay the cost of tax breaks which are given to others with whom they must compete. So, although I realize this Bill is going to take flight immediately, and there is no help of stopping it, I would hope in the future that we would look more seriously when we pass tax legislation, and simply not do what will benefit one industry, and think about the whole business climate.

On motion by Senator NAJARIAN of Cumberland, the Bill was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Out of order and under suspension of the rules, on motion by Senator NAJARIAN of Cumberland, the Senate removed from the Special Appropriations Table:

An Act to Require that the Aid to Families with Dependent Children Program Promote Family Unity. S. P. 652 L. D. 1842 (C "A" S-383)

On motion by the same Senator, the Senate SUSPEND THE RULES.

On further motion by the same Senator, the Senate RECONSIDERED its action whereby the Bill was PASSED TO BE ENGROSSED.

On further motion by the same Senator, the Senate FURTHER SUSPENDED THE RULES.

On further motion by the same Senator, the Senate RECONSIDERED its action whereby it ADOPTED Committee Amendment "A" (S-383).

THE PRESIDENT: The Senator has the floor. SENATOR NAJARIAN: I now offer Senate Amendment "A" to Committee Amendment "A" under filing number S-422, and move its Adoption.

THE PRESIDENT: The Senator from Cumberland, Senator Najarian, presents Senate Amendment "A" to Committee Amendment "A" and moves its Adoption.

Senate Amendment "A" (S-422) to Committee Amendment "A" (S-383) was READ and ADOPTED.

Committee Amendment "A" (S-383) as Amended by Senate Amendment "A" (S-422) thereto was ADOPTED, in NON-CONCURRENCE.

The Bill was PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE.

Sent down for concurrence.

Out of order and under suspension of the rules, on motion by Senator NAJARIAN of Cumberland, the Senate removed from the Special Appropriations Table:

An Act to Permit Possession of Soft-shell Clam Stocks 2 Inches or Greater in the Largest Diameter. H. P. 1501 L. D. 1975 (H "E" H-537)

On motion by the same Senator, the Senate SUSPENDED THE RULES.

On further motion by the same Senator, the Senate RECONSIDERED its action whereby the Bill was PASSED TO BE ENGROSSED.

On further motion by the same Senator, the Senate FURTHER SUSPENDED THE RULES.

On further motion by the same Senator, the Senate RECONSIDERED its action whereby it ADOPTED House Amendment "E" (H-537).

THE PRESIDENT: The Senator has the floor. SENATOR NAJARIAN: Mr. President, I now offer Senate Amendment "A" under filing number (S-423) to House Amendment "E" (H-537) and move its Adoption.

THE PRESIDENT: The Senator from Cumberland, Senator Najarian, now offers Senate Amendment "A" (S-423) to House Amendment "E" (H-537) and moves its Adoption.

Senate Amendment "A" (S-423) to House Amendment "E" (H-537) was READ and ADOPTED

House Amendment "E" (H-537) as Amended by Senate Amendment "A" (S-423) thereto was ADOPTED in NON-CONCURRENCE.

The Bill was PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE.

Sent down for concurrence.

Out of order and under suspension of the rules, on motion by Senator NAJARIAN of Cumberland, the Senate removed from the Special Appropriation Table:

An Act to Amend the Statutes Relating to Handicapping Conditions Under the Human Services Law. H. P. 1589 L. D. 2099 (C "A" H-565; H "A" H-576; H "B" H-629)

On motion by the same Senator, the Senate SUSPENDED THE RULES.

On further motion by the same Senator, the Senate RECONSIDERED its action whereby the Bill was PASSED TO BE ENGROSSED.

THE PRESIDENT: The Senator has the floor. SENATOR NAJARIAN: Mr. President, I offer Senate Amendment "A" under filing number S-424 to the Bill and move its Adoption.

THE PRESIDENT: The Senator from Cumberland, Senator Najarian, presents Senate Amendment "A" and moves its Adoption.

Senate Amendment "A" (S-424) was READ and ADOPTED

The Bill was PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE.

Sent down for concurrence.

Out of order and under suspension of the rules, on motion by Senator NAJARIAN of Cumberland, the Senate removed from the Special Appropriations Table:

Resolve, Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Tree Growth Tax Law. H. P. 1720 L. D. 2260

On motion by the same Senator, the Senate SUSPENDED THE RULES.

On further motion by the same Senator, the

Senate RECONSIDERED its action whereby the Bill was PASSED TO BE ENGROSSED.

THE PRESIDENT: The Senator has the floor. SENATOR NAJARIAN: Mr. President, I now offer Senate Amendment "A" under filing number S-425, and move its Adoption.

THE PRESIDENT: The Senator from Cumberland, Senator Najarian, now presents Senate Amendment "A" and moves its Adoption. Senate Amendment "A" (S-425) was READ and ADOPTED.

The Bill was PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE.

Sent down for concurrence.

Out of order and under suspension of the rules, on motion by Senator NAJARIAN of Cumberland, the Senate removed from the Special Appropriations Table:

An Act to Increase the Number of Superior Court Justices and District Court Judges. S. P. 842 L. D. 2262 (S "A" S-338 to H "B" H-544)

On motion by the same Senator, the Senate SUSPENDED THE RULES.

On further motion by the same Senator, the Senate RECONSIDERED its action whereby the Bill was PASSED TO BE ENGROSSED.

On further motion by the same Senator, the Senate FURTHER SUSPENDED THE RULES.

On further motion by the same Senator, the Senate RECONSIDERED its action whereby it ADOPTED House Amendment "B" (H-544) as Amended by Senate Amendment "A" (S-338) thereto.

On further motion by the same Senator, the Senate FURTHER SUSPENDED THE RULES.

On further motion by the same Senator, the Senate RECONSIDERED its action whereby it ADOPTED Senate Amendment "A" (S-338).

On further motion by the same Senator, the Senate INDEFINITELY POSTPONED Senate Amendment "A" (S-338) to House Amendment "B" (H-544).

THE PRESIDENT: The Senator has the floor. SENATOR NAJARIAN: Mr. President, I now offer Senate Amendment "B" under filing number S-426 to House Amendment "B" (H-544) and move its Adoption.

THE PRESIDENT: The Senator from Cumberland, Senator Najarian, now presents Senate Amendment "B" to House Amendment "B" and moves its Adoption.

Senate Amendment "B" (S-426) to House Amendment "B" (H-544) was READ and ADOPTED

House Amendment "B" (H-544) as amended by Senate Amendment "B" (S-426) thereto was ADOPTED, in NON-CONCURRENCE.

The Bill was PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE (See Action Later Today)

Out of order and under suspension of the rules, on motion by Senator NAJARIAN of Cumberland, the Senate removed from the Special Appropriations Table:

An Act Making Appropriations from the General Fund to Implement Certain Recommendations of the Governor's Commission of the Status of Education in Maine for the Fiscal Years Ending June 30, 1984, and June 30, 1985. H. P. 1743 L. D. 2297 (C "A" H-176)

On motion by the same Senator, the Senate SUSPENDED THE RULES.

On further motion by the same Senator, the Senate RECONSIDERED its action whereby the Bill was PASSED TO BE ENGROSSED.

On further motion by the same Senator, the Senate FURTHER SUSPENDED THE RULES.

On further motion by the same Senator, the Senate RECONSIDERED its action whereby it ADOPTED Committee Amendment "A" (H-716)

THE PRESIDENT: The Senator has the Floor.

SENATOR NAJARIAN: Mr. President, I now offer Senate Amendment "A" to Committee Amendment "A" under filing number S-434, and move its Adoption.

THE PRESIDENT: The Senator from Cum-

berland, Senator Najarian, now presents Senate Amendment "A" to Committee Amendment "A" and moves its Adoption.

Senate Amendment "A" (S-434) to Committee Amendment "A" (H-716) was READ and ADOPTED

Committee Amendment "A" (H-716) as Amended by Senate Amendment "A" (S-434) thereto was ADOPTED, in NON-CONCURRENCE.

The Bill was PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE

Sent down for concurrence.

Out of order and under suspension of the rules, on motion by Senator NAJARIAN of Cumberland, the Senate removed from the Special Appropriations Table:

Resolve, Extending the Life of the Commission to Examine the Availability, Quality and Delivery of Services Provided to Children with Special Needs. H. P. 1739 L. D. 2304 (C. "A" H-613)

On motion by the same Senator, the Senate SUSPENDED THE RULES.

On further motion by the same Senator, the Senate RECONSIDERED its action whereby the Resolve was PASSED TO BE ENGROSSED.

On further motion by the same Senator, the Senate FURTHER SUSPENDED THE RULES.

On further motion by the same Senator, the Senate RECONSIDERED its action whereby it ADOPTED Committee Amendment "A" (H-613)

THE PRESIDENT: The Senator has the floor. SENATOR NAJARIAN: Mr. President, I now offer Senate Amendment "A" to Committee Amendment "A" (H-613) under filing number S-427 and move its Adoption.

THE PRESIDENT: The Senator from Cumberland, Senator Najarian, now presents Senate Amendment "A" to Committee Amendment "A" and moves its Adoption.

Senate Amendment "A" (S-427) to Committee Amendment "A" (H-613) was READ and ADOPTED

Committee Amendment "A" (H-613) was amended by Senate Amendment "A" (S-427) thereto was ADOPTED, in NON-CONCURRENCE.

The Resolve was PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE.

Sent down for concurrence.

Out of order and under suspension of the rules on motion by Senator NAJARIAN of Cumberland, the Senate removed from the Special Appropriations Table:

An Act to Provide for Testing of Private Water Supplies for Chemical Contaminants Where Chemical Contaminants are Suspected by State Agencies H. P. 1815 L. D. 2400

On motion by the same Senator, the Senate SUSPENDED THE RULES.

On further motion by the same Senator, the Senate RECONSIDERED its action whereby the Bill was PASSED TO BE ENGROSSED.

THE PRESIDENT: The Senator has the floor. SENATOR NAJARIAN: Mr. President, I now offer Senate Amendment "A" to L. D. 2400, under filing number S-428, and move its Adoption.

THE PRESIDENT: The Senator from Cumberland, Senator Najarian, now presents Senate Amendment "A" and moves its Adoption.

Senate Amendment "A" (S-428) was READ and ADOPTED

The Bill was PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE.

Sent down for concurrence.

Out of order and under suspension of the rules, on motion by Senator NAJARIAN OF Cumberland, the Senate removed from the Special Appropriations Table:

An Act to Provide Funding from the Blueberry Industry Tax to Promote Market Development for the Blueberry Industry. H.P. 1816 L. D. 2406 (S "A" S-368)

On motion by the same Senator, the Senate

SUSPENDED THE RULES.

On further motion by the same Senator, the Senate RECONSIDERED its action whereby the Bill was PASSED TO BE ENGROSSED.

THE PRESIDENT: The Senator has the floor. SENATOR NAJARIAN: Mr. President, I now offer Senate Amendment "C" to the Bill under filing number S-429, and move its Adoption.

THE PRESIDENT: The Senator from Cumberland, Senator Najarian, now presents Senate Amendment "C" and moves its Adoption.

Senate Amendment "C" (S-429) was READ and ADOPTED

The Bill was PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE

Sent down for concurrence.

Out of order and under suspension of the rules, on motion by Senator NAJARIAN of Cumberland, the Senate removed from the Special Appropriations Table:

An Act to Amend the Potato Price Stabilization Program H. P. 1774 L. D. 2352 (S "A" S-347)

On motion by Senator NAJARIAN of Cumberland, the Senate SUSPENDED THE RULES.

On further motion by the same Senator, the Senate RECONSIDERED its action whereby the Bill was PASSED TO BE ENGROSSED.

THE PRESIDENT: The Senator has the floor. SENATOR NAJARIAN: Mr. President, I now offer Senate Amendment "B" to the Bill under filing number S-433, and move its Adoption.

THE PRESIDENT: The Senator from Cumberland, Senator Najarian, now present Senate Amendment "B" and moves its Adoption.

Senate Amendment "B" (S-433) was READ and ADOPTED

the Bill was PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE

Sent down for concurrence.

Out of order and under suspension of the rules, on motion by Senator NAJARIAN of Cumberland, the Senate removed from the Special Appropriations Table:

An Act to Provide Funds for an Increase in the Aid to Families with Dependent Children's Standard of Need. H. P. 1851 L. D. 2450

On motion by the same Senator, the Senate SUSPENDED THE RULES.

On further motion by the same Senator, the Senate RECONSIDERED its action whereby the Bill was PASSED TO BE ENGROSSED.

THE PRESIDENT: The Senator has the floor. SENATOR NAJARIAN: Mr. President, I now offer Senate Amendment "A" to the Bill under filing number S-430, and move its Adoption.

THE PRESIDENT: The Senator from Cumberland, Senator Najarian, now presents Senate Amendment "A" and moves its Adoption.

Senate Amendment "A" (S-430) was READ and ADOPTED

The Bill was PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE

Sent down for concurrence.

Out of order and under suspension of the rules, on motion by Senator NAJARIAN of Cumberland, the Senate removed from the Special Appropriations Table:

An Act to Amend the Provisions of the Law Relating to the Control of Hazardous Air Pollutants. H. P. 1854 L. D. 2455

On motion by the same Senator, the Senate SUSPENDED THE RULES.

On further motion by the same Senator, the Senate RECONSIDERED its action whereby the Bill was PASSED TO BE ENGROSSED.

THE PRESIDENT: The Senator has the floor. SENATOR NAJARIAN: Mr. President, I offer Senate Amendment "A" to the Bill under filing number S-431, and move its Adoption.

THE PRESIDENT: The Senator from Cumberland, Senator Najarian, now presents Senate Amendment "A" and moves its Adoption.

Senate Amendment "A" (S-431) was READ and ADOPTED

The Bill was PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE

Sent down for concurrence.

Out of order and under suspension of the rules, on motion by Senator NAJARIAN of Cumberland, the Senate removed from the Special Appropriations Table:

An Act to Establish the Maine Job-start Program H. P. 1855 L. D. 2456

On motion by the same Senator, the Senate SUSPENDED THE RULES.

On further motion by the same Senator, the Senate RECONSIDERED its action whereby the Bill was PASSED TO BE ENGROSSED.

THE PRESIDENT: The Senator has the floor. SENATOR NAJARIAN: Mr. President, I now offer Senate Amendment "A" to the Bill under filing number S-437, and move its Adoption.

THE PRESIDENT: The Senator from Cumberland, Senator Najarian, now presents Senate Amendment "A" and moves its Adoption. Senate Amendment "A" (S-437) was READ and ADOPTED

The Bill was PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE

Sent down for concurrence.

There being no objections all matters previously acted upon were sent forthwith.

SENATOR NAJARIAN: Mr. President, I move that L. D. 1924, L. D. 1941, L. D. 1999, L. D. 2011, and L. D. 2337 be Removed from the Special Appropriation Table, and further move, Mr. President, that these L. D.'s be Passed to be Enacted.

SENATE AT EASE

The Senate called to order by the President.

THE PRESIDENT: The Chair Recognizes the Senator from Cumberland, Senator Najarian.

SENATOR NAJARIAN: Mr. President, I request Leave of the Senate to Withdraw my motion to remove these five L. D.'s from the Table.

THE PRESIDENT: The Senator from Cumberland, Senator Najarian, now requests Leave of the Senate to Withdraw her motion to remove these five Bills from the Table.

Is it the pleasure of the Senate to Grant this Leave?

It is a vote.

On motion by Senator PRAY of Penobscot, RECESSED until the sound of the Bell.

RECESS

AFTER RECESS

The Senate called to order by the President

Out of order and under suspension of the rules the Senate voted to consider the following:

COMMUNICATION

The Following Communication:
COMMITTEE ON JUDICIARY
111th Legislature

April 24, 1984

The Honorable Gerard P. Conley
President of the Senate
111th Legislature
Dear President Conley:

We are pleased to report that all business which was placed before the Committee on Judiciary during the second regular session of the 111th Legislature has been completed. The breakdown of the bills referred to our committee follows:

Total number of bills received	56
Unanimous reports	43
Leave to Withdraw	13
Ought to Pass	11
Ought Not to Pass	0
Ought to Pass as Amended	11
Ought to Pass in New Draft	8
Divided reports	13

Respectfully submitted,
S/RICHARD L. TRAFTON
Senate Chair

S/BARRY J. HOBBS
House Chair

Which was READ and ORDERED PLACED

ON FILE.

OFF RECORD REMARKS

Out of order and under suspension of the rules, on motion by Senator DANTON of York, the Senate removed from the Special Highway Appropriations Table:

An Act to Require Maintenance of Financial Responsibility by All Motorists. H. P. 1843 L. D. 2447 (S "A" S-392)

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Carpenter.

SENATOR CARPENTER: Mr. President and Ladies and Gentlemen of the Senate, the hour is late, and the day is late, and in this late part of the Session I'm not going to bore you with a great long soliloquy on this Bill.

The Bill, really, just came to my attention at the tail end of our last week here in Session, and the more that I look at the Bill, which is commonly referred to as a Mandatory Insurance Bill, the more I realize that it was mandatory insurance but with some very, I think, unpalatable discretionary features. I'll just run through those briefly, and, Mr. President, I would ask that when the vote is taken on Enactment, that it be taken by the Yeas and Nays.

If you look at Legislative Document 2447 in its Engrossed version, I think it's important to look at the Engrossed version, you will see that: "upon request of a law enforcement officer, the owner or operator of the motor vehicle shall provide evidence of insurance." I don't see, and I've talked to people about this Bill, and I don't see anywhere in the Bill where there's a time frame given. I think the idea behind the Bill is that the officer is going to give you something like a defects card. You're going to have to send in to the Secretary of State some proof that, in fact, you have insurance. It doesn't say in this, excuse me, in talking to the people, I've been told this is supposed to happen within seventy-two hours, I don't see in the legislation where there is any time frame. It does say in the legislation that the Secretary of State shall establish, by rule, a verification card to be issued, to be issued by law enforcement officials.

Also, we talked about people being stopped and asked to show it, this it doesn't even have to be a stop involved here, it's upon request of a law enforcement official. As I read that, if you walked out of the State House tonight and went to get in your car or in somebody else's car that you were driving, you would be asked to show proof of insurance. If you did not show that proof within a certain period of time, whatever the Secretary of State so prescribes, then you're license to operate, your right to operate, your registration plates, your registration certificate, everything else, is to be suspended by the Secretary of State.

If you have insurance here, two scenarios: one, you don't have insurance; two, you do have insurance. If you have insurance you, nevertheless, are going to have to pay a reinstatement fee of \$20 or \$25 to get it back. Sure, you're under suspension, you've got to be reinstated.

If you look at the fiscal note on this Bill, it was estimated that this Bill would raise \$750,000 for the Department of Motor Vehicles, a nice tidy little sum. Take a look at where it's going to come from. It's going to come from the suspension of 30,000 licenses. What if you are from Eagle Lake and you're in Portland, you don't have your verification card with you, what if you don't get it in on time? Say you had insurance, you have a clean record, you've always had insurance, you don't get some sort of verification to the Secretary of State, you lose your license.

Well, you get your reinstatement fee and you get your license back, right? Not necessarily. Even if you go out and buy insurance or, in fact, you had insurance at the time the law enforcement officer stopped you, the Secretary of State may hold your license, under page five

under Reinstatement, "The Secretary of State may reinstate the license, right to operate, right to obtain a license or the registration upon presentation of evidence of financial responsibility." Then it tells when he can hold it back, he can hold it back and not give you your license back if you have an accident record. What does that mean? An accident, ten accidents, five year period, one year period, ten year period? If you have an accident record, if you have a "Record" of motor vehicle violations, he doesn't have to give you your license back, even though you have insurance at the time that the officer asked you, you just didn't have proof of it right then, if you have a record, what's that mean? One year, ten years, two violations, speeding, stop sign, O.U.I., what's a record of motor vehicle violations?

This is, basically, for those people who buy insurance in the State of Maine. It's basically a property issue. If you buy insurance in the State of Maine, motor vehicle insurance, you must, under State law, have an uninsured motorist coverage, which covers bodily injury on the other party, it doesn't cover property damage, so in effect, you're asking most people who have insurance to buy double coverage.

What happens if you have two vehicles? One is insured, one's not, or one you don't have proof of the insurance. If you lose your right to operate that motor vehicle because you didn't have insurance, or you didn't have the proof, or couldn't get the proof to the Secretary of State within the prescribed period of time, you lose your right to operate all those motor vehicles, all those motor vehicles. Exempted under this statute are out-of-state registered vehicles with out-of-state drivers. Think about your fleets in Southern Maine in particular, where are they going to register their vehicles? Where are they going to license their drivers if they don't have insurance, or if they're concerned that they do have insurance, or for some reason they don't have proof?

How long do you have to have insurance? It doesn't say in the Bill. You could buy it today, cancel it, and I believe you'd be covered, I believe you'd be covered for the purposes of getting the verification card, granted, you'd have to go through that on a regular basis.

The Bill, in my opinion, does not do what it was intended to do, and that was to provide mandatory insurance. If we're going to have mandatory insurance, fine, let's up-front say you can't register a vehicle until you have insurance on it. This sets the minimum limits of insurance. Not only that, but think about it for a second, let's assume that you're Joe Jones or Sally Smith, and you have a perfectly clean motor vehicle record, but your license is suspended using this section. That then puts you under the financial responsibility laws of the State of Maine. Can anybody in this Chamber tell me that that does not mean that you're going to then be an assigned risk, regardless of how good your record may be, are you not, then, going to have to go out and not only buy insurance, but buy the most expensive insurance there is, regardless of how good a driver you may have been?

I haven't gotten these arguments from the insurance, from any lobby, one side or the other, because the insurance industry is all over this place.

The next set of statistics I do have from the insurance industry, when compared with states similar to Maine with mandatory insurance, without mandatory insurance, what happens to the rate structure? We are compared, as we often are, with the State of Oregon. A state about the same size, about the same population, a few cities, a lot of country, they have compulsory insurance as of 1/1/76. The rate of increase from that date to the present time, or when this study was made, was a 35% increase in rates. Ours has been 19.6%. Their average, or their yearly average annual premium percent change is 8.4%, whereas ours

is slightly under 4%. So you're talking about, if these figures are accurate and if this is a trend, and I'm not standing here and holding up to you that it is, but I'm saying if it is, then you're talking about potentially doubling, potentially doubling the annual cost of insurance for everybody in the State of Maine.

I would hope that you would take a very serious look at this Bill, I would hope that you would stop and take a look at what we're potentially doing here, and, if we know what we're doing fine, but let's be sure that we completely understand what this Bill does.

Also, if you get picked up in one vehicle, let's say, and you don't understand that this law operates as to all motor vehicles, and you got caught driving one of your other insured motor vehicles, it's a Class D crime with a fine of up to \$2500, it's a Class D operating after suspension, that's what it is.

I'm not sure this is what we want to do with our people in the State of Maine. Mr. President, if I haven't already done so, I request the Yeas and Nays.

THE PRESIDENT: A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senator in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously, more than one-fifth having arisen, a Roll Call is ordered.

The Chair recognizes the Senator from Cumberland, Senator Clark.

SENATOR CLARK: Thank you, Mr. President. Mr. President, Men and Women of the Senate, sometimes when one enters the Chamber and knows that there is a death bell tolling somewhere, ones enthusiasm to debate a bill or to defend a committee report of twelve to one becomes less than enthusiastic.

In my twelve years of Legislative experience, there have been times when I know that the cards have been stacked dramatically against me, and I've watched this Bill being heavily lobbied in this Chamber by members of the insurance industry, but no insurance industry representing the insurance industry in the State of Maine per se.

We have all received lovely word processed letters from the Wausau Insurance Companies, the Holyoke Mutual Insurance Company in Salem, all members of the American Institute of Insurance. We have received a letter from Maine Bonding and Casualty Company, that wonderful Maine company operating from its domestic headquarters in Baltimore, Maryland. Yet, we find, this afternoon, that a person who is not participating in the study before the Joint Standing Committee on Legislation has brought to you statistics dealing with comparable rates between one of our sister states of Oregon, which has similar incomes and other similar characteristics, and yet, there is one difference between Maine and Oregon and that is that in Maine, the automobile liability and property damage rates used by the several casualty companies must first be approved by the Superintendent of Insurance. It is that Bureau, within our own Department of Business Regulation and etc., I never can learn the new name, that issues approval of any increase in rates and these increases in rates have to be justified and depend on past experience and it is the position of that Bureau that this Bill cannot cause any increase, at least within the foreseeable future, if at all.

I intend to contain my remarks, essentially this afternoon, because we have debated this issue extensively, but it's an issue not of income, but of responsibility. If someone hurts you or damages your property, through no fault of your own, it's only fair that that person pay your medical and repair bills, and that's the theory behind L. D. 2447 which is a bill requiring motorists to provide proof of auto in-

surance, if they are involved in an accident or commit a traffic violation under Maine's motor vehicle laws.

We all know that Maine motorists currently are not required to obtain insurance, they are not required nor would they be required under L. D. 2447. Unfortunately, it's not uncommon for an uninsured motorist to strike a pedestrian or another motorist without accepting responsibility for injury or damage caused. If an injured motorist is struck by an uninsured motorist, the insured motorist must file a claim on his or her own insurance policy to pay for the repairs and/or the damages, and then under our current insurance laws in the State of Maine, we all know and recognize that they, then, pay or face a premium increase in their own insurance rates.

We all recognize and acknowledge that a motor vehicle is a dangerous weapon. The State does require motorists to demonstrate driving competence to obtain a license, why shouldn't the State of Maine also, at least, require motorists to provide proof that they can and will accept the responsibility for injury or damage they may cause by obtaining automobile insurance, at least, after the fact, if not before the fact.

L. D. 2447, which is now before us in the enactment stages, isn't a true mandatory insurance bill. We all know, over the last twelve years of legislative history, that there have been seven mandatory, compulsory automobile insurance bills before the Legislature, and not one of them has seen, literally, the light of day from Committee. If L. D. 2447 were a mandatory insurance bill, I would not be standing supporting it, and, I would also, with great candor, would suggest that the Committee on Business Legislation would not have had a vastly majority report on that measure. But, proof of insurance as provided in L. D. 2447, and, under the rules and regulations which will be promulgated by those people in State government authorized to do such things, which we do regularly, would require proof of insurance following a violation of some motor vehicle law. Just as, currently, Maine financial responsibility law slips into place following an accident, and therefore, you must provide proof of insurance, so would this.

If a person is, for example, low income, has never had a traffic violation, drives very safely, there is nothing in this measure that requires that individual to purchase automobile insurance, even though I would candidly suggest that that is not the most responsible action to drive without insurance, indeed, there is nothing in this Bill that requires it for those safe drivers who have safe records, it doesn't address that issue. The Bill simply requires proof of insurance only in the event of an accident or a traffic violation. A driver who obeys the laws and isn't in accidents, wouldn't have to have insurance. I don't know how many times I have to say that before people are going to listen and listen clearly, and not listen to all the rather vague innuendoes that have been shared, but that is, in fact, what we are attempting to do here.

The Bill does have limitations, I acknowledge those limitations, it is not a perfect piece of legislation, nor is any, for that matter, but it is a sincere attempt to address what has prompted over the year, citizens requests to Legislators, that indeed, mandatory insurance be required in the State of Maine. We who serve our constituents know that the insurance industry and our positions personally would not support that kind of legislation. It is worthy of passage, L. D. 2447, it may not be passed this afternoon, and I harbor no true optimism that it will, but it is as a step, an attempt on behalf of our Committee which has dealt with insurance legislation, sometimes we hope perfectly and probably sometimes imperfectly, but it is a step toward insuring that Maine motorists accept responsibility for injury or damage they cause

while exercising the privilege of driving. We require that their automobiles be inspected, we require that they be competent to drive, we hope that they accept the responsibility for the privilege of driving on our roads. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Carpenter.

SENATOR CARPENTER: Mr. President and Ladies and Gentlemen of the Senate. I'm not going to go into a great deal of rebuttal. I grant you that this Bill has been heavily lobbied, I don't think it's the big guys versus the little guys, I think everyone here has been lobbied by their local insurance agent what a wonderful bill this is.

I, as an attorney, looking at the Bill and looking at the vagueness of it shouldn't be up here arguing against the Bill, because I think it would be an attorneys dream to have to pick up those 30,000 people and take them to their hearing. It's also been labeled as an us against them bill, all the big out-of-state companies against the poor little State of Maine. I would just point out to you that all the people affected by this law are going to be our people, out-of-state people are specifically exempted.

There was talk just now of the rules that will be promulgated. I think we ran into a problem the end of last Session when we left some discretion in the hands of a particular bureau here in the State of Maine and I would ask you to read this Bill, this is absolutely one of the most wide open, discretionary pieces of legislation that I have seen since I've been here. "The Secretary of State shall establish, by rule, a verification card to be issued by the law enforcement officers." But then the section above that says: "The Officer may issue the card," he doesn't even have to issue the card.

The good Senator from Cumberland, Senator Clark, just referred in her remarks four times, in some form or another, as to why shouldn't a motorist who has violated the law, or had an accident, be required to show financial responsibility. If that's what this Bill said, I might not be on my feet. I will read you the sentence again: "Upon request of a law enforcement officer, the owner/operator," etc., etc., "shall provide evidence of financial responsibility". There is no threshold requirement of a violation of anything, of an accident, of a taillight being out, of "anything", "upon request of a law enforcement officer." You might walk out of here tonight and get in your 1984 Jaguar and have a law enforcement officer stop you and request proof. There is no requirement that the vehicle be unsafe, that there be any violation whatsoever. It's simply that the officer asks. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Baldacci.

SENATOR BALDACC: Thank you, Mr. President. Mr. President and Members of the Senate, I have a personal stake in this particular issue because when I was elected to the Senate there were two overriding concerns in my particular District. They were registered to me after getting elected to the Senate.

One was annual automobile inspections and the second one was mandatory liability insurance. They were very important issues and I was told that annual automobile inspections have been raised many times before, and that it wouldn't be successful. Well, I sort of felt an obligation because people had suggested that to me to see it going through the process, and we did get that piece of legislation through, and the Governor did sign it. I think that to say that because you didn't present a bill because it's been presented so many times before and not to go through that particular exercise, I think maybe the times have changed.

People in the District where I come from are very concerned about getting hit by someone that is not insured, and having the insured motorist portion of their insurance bills having to cover that, they're very concerned about it. I

think that, that concern is genuine. That concern is genuine, but this Bill is not genuine in addressing those concerns, because when an individual gets into an accident, he is not guaranteed that that other individual will have insurance. I can't in good faith vote for that because people will be expecting that and then when they find out that that's not the way it is, they'll be even more upset. I think it's an obligation of us as a Legislature to confront the issue directly, whether we want it up or down, but not to go about it in this fashion.

I remember those immortal words of the late Reverend Martin Luther King who said: "I have a dream", but when I scrutinize this Bill, Ladies and Gentlemen and Mr. President, I had a nightmare. This Bill has raised so many questions in my mind about who gets the commission of the 3% or 7% of those uninsured motorists that we're supposed to be clearing off the roads in Maine, who do we reward? Does the State's General Fund get the commission? Does the Dedicated Highway Fund get the commission? Surely, Mr. President, we all hope that those poor State Troopers don't get the commission. Who gets the Commission? Lord, I hope that all three of those don't have to collect the commission and then send it to the little insurance agent out in the lobby.

There truly is a serious problem and this Bill does not address it and it doesn't guarantee that the person that gets hit is going to be protected. That's the concern that I share. I believe in mandatory health insurance to protect all people, to reward them in their days of sickness and in poor health and to provide a decent, adequate health care system. Why, Mr. President, hasn't this been addressed by this Legislature? I'd like to know why.

I think we have to address those concerns, and Mr. President, I note that the State will be greedily collecting from those unfortunate souls who don't have the money for insurance, a \$25 reinstatement fee, that the Senator from Aroostook, Senator Carpenter, had addressed earlier. How long do they have to have the insurance once they have been reinstated? Two, three, four, five years, three years, thirty days or until their taillight burns out again when they've been stopped by a trooper.

This is the nightmare that concerns me. We may be creating something here that will be a monster that we won't be able to cope with in the future. When we're addressing this concern, Mr. President and Members of the Senate, I think we have to be sincere about it. I show no disrespect to the Committee. It was a twelve to one Report, but I don't know, in good conscience, what the Committee was thinking about when they were proposing this type of legislation. I would support the good Senator from Aroostook, Senator Carpenter, to Indefinitely Postpone this Bill and all accompanying papers. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Charette.

SENATOR CHARETTE: Thank you, Mr. President. I guess just about all has been said on this Bill, however I would like to add a few comments myself.

I was a cosponsor of mandating liability insurance in the early part of last year in the early part of that Session, and two other bills similar or two other, so many bills dealing in insurance came about a study dealing with insurance in this State.

I think the Committee has done a commendable job, has worked very hard, and has come up with a bill that Maine companies, your domestic companies, were in place, worked diligently with Members of this Committee, have come up with something that doesn't solve all, doesn't mandate liability, as I guess everybody would like to see it, but, in essence, does a small measure of something to be happening out there, something that will benefit, or something that will bring about the importance of liability insurance.

You know, today we talked about holding or license holder, it is a privilege, there are all kinds of conditions, however when one is to buy a car or purchase a car, I believe you know, the first thing in mind should be is that you first can, you know, you have the bucks to buy that, or finance it, be able to pay your loan payment with the interest involved and, in most part, you'll insure that loan, but then you won't buy liability insurance. I think that if you check for the most part, most people will insure their loan. So, I can't see what the real problem is, also looking into the total package of the purchase of a car, and that should certainly cover some liability insurance.

So, I applaud the Committee. I think it's a step in the right direction, I've received many phone calls, as I had last year, on this Bill and again this weekend, asking me to support this Bill. These calls are coming from surrounding communities, towns, I guess, being a Senator, we are responsible for all of the people of Maine and I appreciated those calls from Turner, Mechanic Falls, etc., wherever they were coming from.

Again, I think, I commend the Committee, I was not a part of that study, I was on the financial study, the other bill, the other study we did, however there was a lot of hard work, insurance company, local companies, Maine companies were present. The only ones that seemed to be against this Bill were the out-of-state companies, and yes, many letters. As a matter of fact, these letters have been written at the request, or they are all standard, one even refers to L. D. 2085, another one to 20, different numbers. L. D. 2085 is not even part of this Bill. 2364, 24, you know, 2085, oh yes, well, it was the original bill. There you are, it just goes to show, as late dated piece of mailgram, they are not even referring to the right L. D. number.

I would hope today that we pass this L. D., I think it's going to benefit the future of this State and take care of a real major problem at present.

THE PRESIDENT: Is the Senate ready for the question?

A Roll Call has been ordered.

The pending question before the Senate is Enactment.

A Yes vote will be in favor of Enactment.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the roll.

ROLL CALL

YEAS—Senators, Charette, Clark, Danton, Dutremble, Erwin, Hayes, Hichens, Kany, Minkowsky, Najarian, Perkins, Shute, Trafton, Twitchell, Wood.

NAYS—Senators, Baldacci, Brown, Bustin, Carpenter, Collins, Diamond, Emerson, Gill, McBreairty, Pearson, Pray, Redmond, Sewall, Teague, Violette, The President—Gerard P. Conley.

ABSENT—Senators, Dow, Usher

15 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 2 Senators being absent, the Bill **FAILED PASSAGE TO BE ENACTED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Out of order and under suspension of the rules the Senate voted to consider the following:

COMMITTEE REPORTS

House Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Provide for Greater Equity in Maine's Tax Structure" (Emergency) H. P. 1872 L. D. 2474

Reported that the same Ought To Pass.

Signed:

Senators:

WOOD of York
TEAGUE of Somerset

Representatives:

HIGGINS of Portland
ANDREWS of Portland
CASHMAN of Old Town
DAY of Westbrook
INGRAHAM of Houlton
KANE of South Portland
KILCOYNE of Gardiner
MASTERMAN of Milo
McCOLLISTER of Canton

The Minority of the same Committee on the same subject reported that the same Ought Not To Pass.

Signed:

Senator:

TWITCHELL of Oxford

Representative:

JACKSON of Harrison

Comes from the House with the Majority Ought To Pass Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED

Which Reports were READ.

The Majority OUGHT TO PASS Report was ACCEPTED, in concurrence.

The Bill READ ONCE

THE PRESIDENT: Is it the pleasure of the Senate that under suspension of the rules, this Bill be given its Second Reading at this time by Title Only?

It is a vote.

Under suspension of the rules the Bill READ A SECOND TIME and PASSED TO BE ENGROSSED in concurrence.

Sent forthwith to the Engrossing Department.

Out of order and under suspension of the rules the Senate voted to consider the following:

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Relating to the Use of Implements and Devices in Washington County Waters" H. P. 1873 L. D. 2475

Committee on **MARINE RESOURCES** suggested

Comes from the House under suspension of the rules READ TWICE and PASSED TO BE ENGROSSED without Reference to a Committee and ORDERED PRINTED

THE PRESIDENT: Is it the pleasure of the Senate that under suspension of the rules, the Bill be given its First Reading at this time without Reference to Committee?

It is a vote.

Under suspension of the rules the Bill READ ONCE without reference to committee and ORDERED PRINTED.

THE PRESIDENT: Is it the pleasure of the Senate that under suspension of the rules this Bill be given its Second reading at this time by title only?

It is a vote.

Under further suspension of the rules, the Bill READ A SECOND TIME and PASSED TO BE ENGROSSED without reference to Committee, in concurrence.

Sent forthwith to the Engrossing Department.

On motion by Senator PRAY of Penobscot, RECESSED until the Sound of the Bell

RECESS

AFTER RECESS

The Senate called to order by the President

Under suspension of the rules, the Senate voted to consider the following:

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Amend the State Income Tax Credit for the Installation of Renewable Energy Systems" H. P. 1831 L. D. 2432

In Senate April 13, 1984 PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-732) in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE

AMENDMENT "A" (H-732) AS AMENDED BY HOUSE AMENDMENT "A" (H-736) thereto in **NON CONCURRENCE**

THE PRESIDENT: Is it the pleasure of the Senate to RECEDE and CONCUR with the House?

It is a vote.

Out of order and under suspension of the rules, on motion by Senator NAJARIAN of Cumberland, the Senate RECONSIDERED its action whereby it PASSED TO BE ENGROSSED as Amended:

An Act to Increase the Number of Superior Court Justices and District Court Judges. S. P. 842 L. D. 2262 (S "B" S-426 to H "B" H-544)

On further motion by the same Senator, the Senate RECONSIDERED its action whereby it ADOPTED House Amendment "B" (H-544) as amended by Senate Amendment "B" (S-426) thereto.

On further motion by the same Senator, the Senate RECONSIDERED its action whereby Senate Amendment "A" (S-338) was INDEFINITELY POSTPONED.

On motion by Senator NAJARIAN of Cumberland, Senate Amendment "A" (S-338) to House Amendment "B" (H-544) thereto was ADOPTED

House Amendment "B" (H-543) as amended by Senate Amendment "A" (S-338) and Senate Amendment "B" (S-426) thereto was ADOPTED, IN NON-CONCURRENCE.

The Bill was PASSED TO BE ENGROSSED, As Amended in NON-CONCURRENCE.

Sent down for concurrence.

There being no objection all matters previously acted upon were sent forthwith.

On motion by Senator PRAY of Penobscot RECESSED until the sound of the Bell

RECESS

AFTER RECESS

The Senate called to order by the President

Out of order and under suspension of the rules:

ORDERS

Joint Orders

On motion by Senator PRAY of Penobscot, the following Joint Order: S. P. 919

ORDERED, the House concurring, that in accordance with emergency authority granted under the Revised Statutes, Title 3, section 2, the Second Regular Session of the 111th Legislature shall be extended by one additional legislative day.

Which was READ.

THE PRESIDENT: The Chair would point out that in order for this Order to receive Passage, it requires the affirmative vote of at least two-thirds of the members present and voting.

Will all those Senators in favor of the Passage of this Order, please rise and remain standing in their places until counted.

Will all those Senators opposed, please rise and remain standing in their places until counted.

29 Senators having voted in the affirmative and 2 Senators having voted in the negative, the Joint Order was PASSED

Sent down forthwith for concurrence.

The President requested the Sergeant-at-Arms to escort the Senator from York, Senator Wood to the Rostrum to assume the duties of President Pro-Tem.

The Sergeant-at-Arms escorted the Senator from York, Senator Wood, to the Rostrum, where he served as President Pro-Tem.

The President took a seat on the Floor of the Senate.

ENACTOR

The Committee on ENGROSSED BILLS reported as truly and strictly engrossed the following:

Emergency

An Act to Provide for Greater Equity in Maine's Tax Structure H. P. 1872 L. D. 2474

This being an emergency measure and having received the affirmative vote of 30 Members of the Senate, with 1 Senator having voted in negative, was PASSED TO BE ENACTED and having been signed by the President Pro-Tem, was presented by the Secretary to the Governor for his approval.

The President Pro-Tem would ask the Sergeant-at-Arms to escort the Senator from Cumberland, Senator Conley, to the Rostrum where he may resume his duties as President.

The Sergeant-at-Arms escorted the Senator from Cumberland, Senator Conley, to the Rostrum where he resumed his duties as President.

The Sergeant-at-Arms escorted the Senator from York, Senator Wood, to his seat on the Floor of the Senate.

THE PRESIDENT: The Chair wishes to commend the good Senator from York, Senator Wood, for his outstanding performance as President Pro-Tem and for his outstanding performance as Senate Chairman of the Taxation Committee these last two years. (Applause, the members rising.)

Out of order and under suspension of the rules the Senate voted to consider the following:

COMMITTEE REPORTS**House****Ought to Pass in New Draft**

The Committee on JUDICIARY on Bill "An Act to Amend the Law Concerning Suspensions of Drivers' Licenses on Administrative Determination of Blood-alcohol Content" (Emergency) H. P. 1838 L. D. 2431

Reported that the same Ought to Pass in New Draft under same title (Emergency) H. P. 1874 L. D. 2476

Comes from the House, the Report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED.

Which Report was READ

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Trafton.

SENATOR TRAFTON: Thank you, Mr. President. Mr. President and Members of the Senate, in a way of explanation. This Bill deals with a problem that has come to the recent attention of the Members of the Joint Standing Committee on Judiciary.

As you will recall, in our First Regular Session, we passed two laws providing for the drivers' license suspension for people who have been stopped for operating under the influence. These two different laws address, separately, teenagers and adults.

Recent court cases have cast doubt as to the Constitutionality of some of the provision of these statutes, and the purpose of this particular Legislative Document is to clarify the existing statutes to insure that these two laws meet Constitutional requirements for due process.

The redrafted bill changes hearing procedures and clarifies those hearing procedures to insure fair hearing on all elements of the offense. This Bill does not reduce teenage suspension periods, as the original printed bill proposed. However, this Bill does equalize provisions between adults and teenagers as to work restricted licenses.

This Bill comes with the unanimous support of the Joint Standing Committee on Judiciary and we urge your support at this time. Thank you.

Which Report was ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE

THE PRESIDENT: Is it the pleasure of the Senate that under suspension of the rules, this Bill be given its Second Reading at this time by Title Only?

It is a vote.

Under suspension of the rules, the Bill in NEW DRAFT READ A SECOND TIME and PASSED TO BE ENGROSSED in concurrence.

Sent forthwith to the Engrossing Department.

Out of order and under suspension of the rules the Senate voted to consider the following:

COMMITTEE REPORTS**House****Leave to Withdraw**

The following LEAVE TO WITHDRAW Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act to Repeal the Sales Tax on Meals and Lodging and to Establish a Meals and Lodging Tax for the Purposes of Stabilizing the Property Tax and Promoting Tourism" H. P. 1737 L. D. 2303

ENACTOR

The Committee on ENGROSSED BILLS reported as truly and strictly engrossed the following:

An Act Providing for Administrative Changes in Maine Tax Laws H. P. 1871 L. D. 2473

On motion by Senator PRAY of Penobscot, TABLED until later in today's session, pending ENACTMENT

Out of order and under suspension of the rules the Senate voted to consider the following:

PAPERS FROM THE HOUSE**Non-concurrent Matter**

Bill "An Act to Amend the Forest Fire Control Laws and Change the Method of Funding Forest Fire Control Services" (Emergency) H. P. 1581 L. D. 2093

In House March 9, 1984 the Bill and accompanying papers RECOMMENDED TO THE COMMITTEE ON TAXATION

In Senate April 10, 1984 the Majority OUGHT TO PASS IN NEW DRAFT Under same title (H. P. 1782) (L. D. 2347) Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED IN NON CONCURRENCE

Comes from the House that Body ADHERED

THE PRESIDENT: Is it now the pleasure of the Senate to ADHERE?

It is a vote.

Non-concurrent Matter

Bill "An Act Relating to the Use of Implements and Devices in Washington County Waters" H. P. 1873 L. D. 2475

In Senate April 24, 1984 PASSED TO BE ENGROSSED in concurrence

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-737) IN NON CONCURRENCE

THE PRESIDENT: Is it the pleasure of the Senate to RECEDE and CONCUR with the House?

It is a vote.

There being no objections all matters previously acted upon were sent forthwith.

SENATE AT EASE

The Senate called to order by the President

Out of order and under suspension of the rules, on motion by Senator NAJARIAN of Cumberland, the Senate removed from the Special Appropriations Table:

Emergency

An Act to Appropriate to the Maine State Commission on the Arts and the Humanities Fund for the Management of the Percent for Art Act S. P. 692 L. D. 1924 (C "A" S-291)

On motion by Senator NAJARIAN of Cumberland, this being an emergency measure and having received the affirmative vote of 28

Members of the Senate, with No Senators having voted in negative was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Out of order and under suspension of the rules, on motion by Senator NAJARIAN of Cumberland, the Senate removed from the Special Appropriations Table:

Emergency

An Act to Appropriate Funds to the Maine State Commission on the Arts and the Humanities for the Maine Touring Artist Program S. P. 703 L. D. 1941

On motion by Senator NAJARIAN of Cumberland, this being an emergency measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in the negative was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Out of order and under suspension of the rules, on motion by Senator NAJARIAN of Cumberland, the Senate removed from the Special Appropriations Table:

Emergency

An Act to Clarify the Laws Relating to Private Business, Trade and Technical Schools H. P. 1770 L. D. 2337

On motion by Senator CLARK of Cumberland, the Senate SUSPENDED THE RULES.

On further motion by the same Senator, the Senate RECONSIDERED its action whereby the Bill was PASSED TO BE ENGROSSED.

THE PRESIDENT: The Senator has the floor. SENATOR CLARK: Mr. President: I present Senate Amendment "A" to L. D. 2337, under filing number S-438, and move its Adoption.

THE PRESIDENT: The Senator from Cumberland, Senator Clark, presents Senate Amendment "A" and move its Adoption.

Senate Amendment "A" (S-438) was READ and ADOPTED

The Bill was PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE

Sent down for concurrence.

Out of order and under suspension of the rules, on motion by Senator NAJARIAN of Cumberland, the Senate removed from the Special Appropriations Table:

Emergency

An Act to Appropriate Funds for the Governor's Commission on the Status of Education in Maine. H. P. 1518 L. D. 1999 (C "A" H-484)

On motion by Senator NAJARIAN of Cumberland, this being an emergency measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in the negative was PASSED TO BE ENACTED AND HAVING BEEN SIGNED BY THE PRESIDENT, was presented by the Secretary to the Governor for his approval.

Out of order and under suspension of the rules, on motion by Senator NAJARIAN of Cumberland, the Senate removed from the Special Appropriations Table:

Emergency

An Act to Increase the Enforcement and Educational Staff of the Maine Land Use Regulation Commission. S. P. 729 L. D. 2011

On motion by Senator NAJARIAN of Cumberland, this being an emergency measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in the negative was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Out of order and under suspension of the rules, on motion by Senator NAJARIAN of Cumberland, the Senate removed from the Special Appropriations Table:

Emergency

An Act Relating to Medicaid Reimbursement Rates for Ambulance Services H. P. 1811 L. D. 2396 (H "A" H-632)

On motion by Senator NAJARIAN of Cumberland, this being an emergency measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in negative was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Out of order and under suspension of the rules, on motion by Senator NAJARIAN of Cumberland, the Senate removed from the Special Appropriations Table:

Emergency

An Act to Appropriate Funds to the University of Maine to Implement Collective Bargaining Agreements H. P. 1825 L. D. 2420 (C "A" H-708)

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Hayes.

SENATOR HAYES: Mr. President, due to the possible appearance of a conflict of interest, I request Leave of the Senate to not vote on L. D. 2420.

THE PRESIDENT: The Senator from Penobscot, Senator Hayes, requests Leave of the Senate to be excused from voting on the appearance of a conflict of interest.

Is it the pleasure of the Senate to Grant this Leave?

It is a vote.

This being an emergency measure and having received the affirmative vote of 29 Members of the Senate, with 1 Senator having voted in negative and 1 Senator being excused, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Out of order and under suspension of the rules, on motion by Senator NAJARIAN of Cumberland, the Senate removed from the Special Appropriations Table:

Emergency

An Act Relating to Municipal Cost Components for Fiscal Year 1984-85 and Providing for a Study of the Unorganized Territory. H. P. 1857 L. D. 2458 (H "A" H-702; H "B" H-703; H "C" H-705; S "A" S-414)

On motion by Senator NAJARIAN of Cumberland, this being an emergency measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in negative was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Out of order and under suspension of the rules, on motion by Senator NAJARIAN of Cumberland, the Senate removed from the Special Appropriations Table:

An Act to Establish a Right of Action for Wrongful Imprisonment. H. P. 761 L. D. 992 (H "A" H-664 to H "A" H-591)

An Act to Establish a Training Program to Improve Water Quality. S. P. 668 L. D. 1837 (C "A" S-330)

An Act Relating to Counselor Positions in the Offices of the Bureau of Veterans' Services. S. P. 702 L. D. 1940 (C "A" S-330)

An Act to Revise Provisions of the Medical Eye Care Program S. P. 711 L. D. 1957

On motion by Senator NAJARIAN of Cumberland, the Bills were PASSED TO BE ENACTED and having been signed by the President, were presented by the Secretary to the Governor for his approval.

Out of order and under suspension of the rules, on motion by Senator NAJARIAN of Cumberland, the Senate removed from the Special Appropriations Table:

An Act to Fund Rape Crisis Centers H. P.

1535 L. D. 2020 (C "A" H-485)

An Act to Amend the Criminal Extradition Act H. P. 1622 L. D. 2146 (C "A" H-584)

An Act Relating to Changes in the Composition and Functioning of the Harness Racing Commission S. P. 801 L. D. 2149 (H "A" H-600 to C "A" S-318 and S "A" S-323)

An Act to Appropriate Funds for Payment of Attorneys' Fees Awarded Against the State H. P. 1762 L. D. 2329

On motion by Senator NAJARIAN of Cumberland, the Bills were PASSED TO BE ENACTED and having been signed by the President, were presented by the Secretary to the Governor for his approval.

Out of order and under suspension of the rules, on motion by Senator NAJARIAN of Cumberland, the Senate removed from the Special Appropriations Table:

An Act to Assure Appropriate Placement and Service Provision to State Assisted Residents of Boarding Homes and Adult Foster Homes S. P. 883 L. D. 2388

An Act to Provide a Sales Tax Exemption for Certain Residential Facilities H. P. 1817 L. D. 2407

An Act to Revise the Laws Governing Certification of Educational Personnel H. P. 1839 L. D. 2434 (H "B" H-672)

An Act to Republish Williamson's Bibliography of Maine S. P. 910 L. D. 2449

On motion by Senator NAJARIAN of Cumberland, the Bills were PASSED TO BE ENACTED, and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Out of order and under suspension of the rules, on motion by Senator NAJARIAN of Cumberland, the Senate removed from the Special Appropriations Table:

An Act Concerning Income Derived from Public Reserved Lots. H. P. 1517 L. D. 1998

An Act to Establish a Maine Life and Health Insurance Guaranty Association H. P. 1852 L. D. 2453

An Act to promote the Distillation of Ethanol for Use as an Internal Combustion Engine Fuel. H. P. 1864 L. D. 2468 (H "C" H-726)

On motion by Senator NAJARIAN of Cumberland, the Bills were PASSED TO BE ENACTED and having been signed by the President, were presented by the Secretary to the Governor for his approval.

Out of order and under suspension of the rules, on motion by Senator NAJARIAN of Cumberland, the Senate removed from the Special Appropriations Table:

An Act to Implement Certain Recommendations of the State Compensation Commission H. P. 1858 L. D. 2459 (S "A" S-412; H "C" H-713)

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Twitchell.

SENATOR TWITCHELL: I request a Roll Call.

THE PRESIDENT: A Roll Call has been requested. Under the Constitution in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The pending question before the Senate is the Enactment of L. D. 2459.

A Yes vote will be in favor of Enactment.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS—Senators, Baldacci, Brown, Bustin, Carpenter, Charette, Clark, Collins, Dutremble, Emerson, Erwin, Gill, Hayes, Kany, Minkowsky, Najarian, Pearson, Perkins, Pray, Teague, Traf-

ton, Usher, Violette, Wood, The President—Gerard P. Conley.

NAYS—Senators, Diamond, Hichens, McBreairty, Redmond, Sewall, Shute, Twitchell.

ABSENT—Senator, Danton, Dow

24 Senators having voted in the affirmative and 7 Senators having voted in the negative, with 2 Senators being absent, the Bill was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Out of order and under suspension of the rules, on motion by Senator NAJARIAN of Cumberland, the Senate removed from the Special Appropriations Table:

Resolve, Providing Funds for Portrait of Honorable Lewis O. Barrows S. P. 705 L. D. 1952

Resolve, to Establish a Select Committee Concerning Forest Practices in the State H. P. 1776 L. D. 2354 (S "C" S-415)

Resolve, to Inventory all State Real Property and to Create a Commission to Develop a Policy for the Disposition of State Surplus Real Property S. P. 865 L. D. 2349 (H "A" H-608)

On motion by Senator NAJARIAN of Cumberland, the Resolves were FINALLY PASSED and having been signed by the President, were presented by the Secretary to the Governor for his approval.

Out of order and under suspension of the rules, on motion by Senator NAJARIAN of Cumberland, the Senate removed from the Special Appropriations Table:

Emergency Resolve

Resolve, Providing Funding for Transitional Residential Programs for Adolescent Girls at Risk S. P. 866 L. D. 2357

On motion by Senator NAJARIAN of Cumberland, this being an emergency measure and having received the affirmative vote of 27 Members of the Senate, with No Senators having voted in negative was FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Out of order and under suspension of the rules, on motion by Senator NAJARIAN of Cumberland the Senate removed from the Special Appropriations Table:

Constitutional Amendment

Resolution, Proposing an Amendment to the Constitution of Maine to Provide that, Beginning with the Property Tax Year 1984, All Watercraft as Defined by the Legislature shall be Exempt from Taxation as Personal Property, Provided that Certain Watercraft as Defined by the Legislature shall be Subject to an Excise Tax to be Collected and Retained by the Municipalities H. P. 1623 L. D. 2147 (C "A" H-534)

THE PRESIDENT: This being a Constitutional Amendment in order for its passage it requires the affirmative vote of two-thirds of those Senators present and voting.

Will all those Senators in favor of passage of this Resolution, please rise and remain standing until counted.

Will all those Senators opposed, please rise and remain standing until counted.

This being a Constitutional Amendment and having received the affirmative vote of 28 members of the Senate, with No Senators having voted in the negative, and 28 being more than the required two-thirds vote, the Resolution was FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Secretary of State.

Out of order and under suspension of the rules, on motion by Senator NAJARIAN of Cumberland, the Senate removed from the Special Appropriations Table:

Constitutional Amendment

Resolution, Proposing an Amendment to the Constitution of Maine to Limit the Life of Authorized Bonds H. P. 1410 L. D. 1832 (C "A"

H-483)

THE PRESIDENT: This being a Constitutional Amendment in order for its passage it requires the affirmative vote of two-third's of those Senators present and voting.

Will all those Senators in favor of passage of this Resolution, please rise and remain standing until counted.

Will all those Senators opposed, please rise and remain standing until counted.

This being a Constitutional Amendment and having received the affirmative vote of 29 members of the Senate, with No Senators having voted in the negative, and 29 being more than the required two-third's vote, the Resolution was FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Secretary of State.

Out of order and under suspension of the rules, on motion by Senator NAJARIAN of Cumberland the Senate removed from the Special Appropriations Table:

Constitutional Amendment

Resolution, Proposing an Amendment to the Constitution of Maine to Enable the Legislature to Establish the Extent of Insurance of Loans to Veterans. H. P. 1703 L. D. 2256 (H "A" H-622)

THE PRESIDENT: This being a Constitutional Amendment in order for its passage it requires the affirmative vote of two-third's of those Senators present and voting.

Will all those Senators in favor of passage of this Resolution, please rise and remain standing until counted.

Will all those Senators opposed, please rise and remain standing until counted.

This being a Constitutional Amendment and having received the affirmative vote of 27 members of the Senate, with No Senators having voted in the negative, and 27 being more than the required two-third's vote, the Resolution was FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Secretary of State.

On motion by Senator NAJARIAN of Cumberland, the Senate RECONSIDERED its action whereby it PASSED TO BE ENACTED:

Resolve, to Inventory all State Real Property and to Create a Commission to Develop a Policy for the Disposition of State Surplus Real Property S. P. 865 L. D. 2349 (H "A" H-608)

On further motion by the same Senator, the Resolve was INDEFINITELY POSTPONED in NON-CONCURRENCE

Sent down for concurrence.

SENATE AT EASE

Senate called to order by the President

Out of order and under suspension of the rules, on motion by Senator NAJARIAN of Cumberland the Senate removed from the Special Appropriations Table:

An Act to Amend the Law Relating to Tax Increment Financing H. P. 1039 L. D. 1364 (C "A" H-643)

An Act to Increase Mileage Payments to Jurors H. P. 1434 L. D. 1879 (H "A" H-493)

An Act or Provide a Sales Tax Exemption for Community Action Agencies S. P. 698 L. D. 1938 (C "A" S-316)

An Act to Define Eligibility for School Purposes and to Determine Financial Responsibility for the Education of State Agency Clients. H. P. 1559 L. D. 2061 (C "A" H-559)

An Act Concerning Local Leeway Under the School Finance Law H. P. 1565 L. D. 2074 (H "A" H-492)

On motion by Senator NAJARIAN of Cumberland, the Bills and all accompanying papers, were INDEFINITELY POSTPONED, in NON-CONCURRENCE.

Sent down for concurrence.

Out of order and under suspension of the

rules, on motion by Senator NAJARIAN of Cumberland the Senate removed from the Special Appropriations Table:

An Act to Provide Voter Information on Ballot Questions H. P. 1588 L. D. 2095 (H "A" H-678; C "A" H-568)

An Act to Exempt Nonprofit Emergency Feeding Organizations from the Sales Tax H. P. 1591 L. D. 2101 (S "A" S-314)

An Act to Provide for Tuberculin Testing of Cattle to Insure Out-of-State Markets for Maine S. P. 854 L. D. 2312

An Act to Revise the School Finance Act H. P. 1765 L. D. 2327 (H "A" H-586)

On motion by Senator NAJARIAN of Cumberland, the Bill and all accompanying papers were INDEFINITELY POSTPONED, in NON-CONCURRENCE.

Sent down for concurrence.

Out of order and under suspension of the rules, on motion by Senator NAJARIAN of Cumberland the Senate removed from the Special Appropriations Table:

An Act Relating to Funding of Stoneham Schools for 1984-85 S. P. 826 L. D. 2212

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Twitchell.

SENATOR TWITCHELL: Mr. President, on L. D. 2212, I request a Roll Call.

THE PRESIDENT: A Roll Call has been requested. Under the Constitution in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting

Will all those Senators in favor of ordering a Roll Call please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The pending question before the Senate is the Indefinite Postponement of L. D. 2212.

A Yes vote will be in favor of the Indefinite Postponement.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the roll.

ROLL CALL

YEAS—Senators, Brown, Bustin, Carpenter, Charette, Collins, Danton, Dutremble, Emerson, McBreairey, Najarian, Pearson, Perkins, Pray, Redmond, Violette, Wood, The President—Gerard P. Conley.

NAYS—Senators, Clark, Diamond, Erwin, Gill, Hayes, Hichens, Kany, Minkowsky, Pearson, Sewall, Shute, Teague, Trafton, Twitchell, Usher.

ABSENT—Senators, Baldacci, Dow

16 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 2 Senators being absent, the motion to INDEFINITELY POSTPONE the bill and all accompanying papers in NON-CONCURRENCE, PREVAILED

Sent down for concurrence.

Out of order and under suspension of the rules, on motion by Senator NAJARIAN of Cumberland the Senate removed from the Special Appropriations Table:

An Act to Establish a Commission to Assess the Loss of Farmland in Maine H. P. 1842 L. D. 2438 (S "A" S-389)

On motion by Senator ERWIN of Oxford, the Senate SUSPENDED THE RULES

THE PRESIDENT: The Senator has the floor.

SENATOR ERWIN: I'm not sure that we got a vote to Reconsider.

THE PRESIDENT: The Chair would respond in the affirmative. We have Suspended the Rules, we have not Reconsidered anything.

SENATOR ERWIN: May I speak to the Bill, Mr. President?

THE PRESIDENT: The Chair would respond in the affirmative.

SENATOR ERWIN: Mr. President, Ladies and Gentlemen of the Senate. Over the years we have lost our farmlands and the last few years

at an accelerated rate.

Realizing full well the hard work that our Taxation, our Appropriation and our Leadership has done in the last few weeks putting this package together, I hesitate to speak, but I felt that as Chairman of the Committee on Agriculture, that I should make sure that you are aware of the contents of this Bill and what the purpose is.

There was some study done last year by many of the people interested in preserving our farmlands and the Governor's Office presented a Bill to do just that. It would have established a commission, some districts, and many other things, making a first major step towards preserving our farmlands.

At our hearing, which we started at some 10:00 in the morning and went til about a quarter of six in the afternoon, with a short break for lunch, many people spoke on both sides. No one was in opposition to the preservation of farmlands of this State. Many states have already started their first steps towards the preservation of their farmlands. This State needs to be making a start.

It was brought out in our hearing and in our work sessions that the bill, as presented, was going too fast, it wasn't covering all the areas properly, so that is the reason for this work study being recommended.

Mr. President, I would ask for a Division on the motion.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Najarian.

SENATOR NAJARIAN: Mr. President, I move that this L. D. and all accompanying papers be Indefinitely Postponed.

THE PRESIDENT: The Senator from Cumberland, Senator Najarian, now moves that H. P. 1842, L. D. 2438, An Act to Establish a Commission to Assess the Loss of Farmland in Maine, that this Bill and all its accompanying papers be Indefinitely Postponed.

A Division has been requested.

The Chair recognizes the Senator from York, Senator Hichens.

SENATOR HICHENS: Mr. President, before we take a vote on this issue, I would like to add a few comments to those given by the good Senator, Mr. Erwin, the Chairman of the Agricultural Committee.

I've not always been in agreement with Commissioner Smith since he took over that position. I wasn't in agreement with this Bill which was presented to us so late in the Session, but after the Committee had worked on it and decided on a Study Commission, I feel that it is something that we should go ahead with.

I was on the Food Study Committee back in 1979, we came up with recommendations then, some of them have been implemented, and this was one of the recommendations that we preserve our farmlands.

As the good Senator has said, there has been a tremendous trend in doing away with farmlands in our State. Maine has been famous for that, we have the farmer on our Seal, and I think that we should preserve that tradition which we have and preserve these farmlands.

I would like to share with you the Commissioner's comments, or part of them, from his Mainely Agriculture excerpt here, it says: "Concern over the loss of Maine's farmland is probably stronger today than any time in the past, even though the proposed bill to create an Agricultural Land Protection Board, with the responsibility for monitoring farmland loss and reviewing major development projects on important agricultural land was not readily accepted by the legislature, the public hearing on the bill produced several hours of testimony, with the agricultural community divided with respect to the specific proposal. The Agricultural Committee decided to rewrite the bill entirely, including the title, and structure a Commission to evaluate farmland loss, and propose a program to the next Session of the Legislature."

I believe that the Committee acted wisely, it was apparent at the hearing that there is not a consensus about the type of program that should be developed to protect our important agricultural land, but the heartening part was that everyone agreed that a legitimate problem exists, and it must be dealt with.

I am hopeful the Legislature will understand the importance of this particular issue. I know of none more important to agriculture in the State of Maine than the need for agricultural land to be available to Maine's farmers. I believe the Agricultural Committee started a process to meet that need when it unanimously agreed on a substantive Bill."

This is a modest request for an appropriation, it gives the Legislature representation on this Commission, and Members of the Senate, I hope that you will vote against this motion to Indefinitely Postpone this Bill.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Najarian.

SENATOR NAJARIAN: Mr. President and Members of the Senate, I can understand the disappointment of the two gentlemen from the Agricultural Committee that the motion is to Indefinitely Postpone this Bill, but that has happened to many good bills so far that the Committees have worked on.

As a matter of fact, another bill was passed in its stead, L. D., another farming bill, L. D. 2352. So, I hope the Senate will go along with the Indefinite Postponement. Other people have lost good bills and have taken their lumps, and I assume that this Bill can be reintroduced in the next Session of the Legislature. Thank you.

THE PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by Senator Najarian of Cumberland, to Indefinitely Postpone the Bill and all accompanying papers, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

22 Senators having voted in the affirmative and 10 Senators having voted in the negative, the motion to INDEFINITELY POSTPONE the Bill and all accompanying papers, in NON-CONCURRENCE, PREVAILED

Sent down for concurrence.

Out of order and under suspension of the rules, on motion by Senator NAJARIAN of Cumberland, the Senate removed from the Special Appropriations Table:

An Act Relating to School Funding for Washburn for 1984-85 H. P. 1835 L. D. 2429

SENATOR NAJARIAN: Mr. President, I now move that this Bill and all its accompanying papers be Indefinitely Postponed.

THE PRESIDENT: The Senator from Cumberland, Senator Najarian, now moves that this Bill and all its accompanying papers be Indefinitely Postponed.

The Chair recognizes the Senator from Aroostook, Senator McBreairty.

SENATOR MCBREAIRTY: I would like a Roll Call

THE PRESIDENT: A Roll Call has been requested.

Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The pending question before the Senate is the motion by Senator Najarian of Cumberland to Indefinitely Postpone the Bill and all accompanying papers.

A Yes vote will be favor of the Indefinite Postponement.

A No vote will be opposed.

The Doorkeepers will secure the Chamber. The Secretary will call the roll

ROLL CALL

YEAS—Senators, Baldacci, Brown, Bustin, Carpenter, Charette, Clark, Collins, Danton, Diamond, Dutremble, Emerson, Erwin, Hayes, Najarian, Pearson, Perkins, Pray, Trafton, Usher, Violette, Wood, The President—Gerard P. Conley.

NAYS—Senators, Gill, Hichens, Kany, McBreairty, Minkowsky, Redmond, Sewall, Shute, Teague, Twitchell.

ABSENT—Dow

22 Senators having voted in the affirmative and 10 Senators having voted in the negative, with 1 Senator being absent, the motion to INDEFINITELY POSTPONE the Bill and all its accompanying papers, in NON-CONCURRENCE, PREVAILED

Sent down for concurrence.

Out of order and under suspension of the rules, on motion by Senator NAJARIAN of Cumberland, the Senate removed from the Special Appropriations Table:

An Act to Provide for Conformity with the United States Internal Revenue Code. H. P. 1853 L. D. 2454

On motion by Senator NAJARIAN of Cumberland, the Bill and all accompanying papers was INDEFINITELY POSTPONED in NON-CONCURRENCE

Sent down for concurrence.

There being no objections, all matters previously acted upon were sent forthwith.

On motion by Senator PRAY of Penobscot, RECESSED until the sound of the Bell

RECESS AFTER RECESS

Senate called to order by the President

On motion by Senator PRAY of Penobscot, the Senate removed from the Table:

An Act Providing for Administrative Changes in Maine Tax Laws H. P. 1871 L. D. 2473

Tabled—April 24, 1984 on motion by Senator PRAY of Penobscot Pending ENACTMENT.

On motion by Senator PRAY of Penobscot, RETABLED for 1 Legislative Day, Pending ENACTMENT.

Out of order and under suspension of the rules, the Senate voted to consider the following:

ENACTORS

The Committee on ENGROSSED BILLS reported as truly and strictly engrossed the following:

An Act to Permit Possession of Soft-shell Clam Stocks 2 Inches or Greater in the Largest Diameter H. P. 1501 L. D. 1975 (S "A" S-423 to H "E" H-537)

An Act to Amend the Statutes Relating to Handicapping Conditions Under the Human Services Law H. P. 1589 L. D. 2099. (S "A" S-424; C "A" H-565; H "A" H-576; H "B" H-629)

An Act to Provide for Testing of Private Water Supplies for Chemical Contaminants where Chemical Contaminants are Suspected by State Agencies H. P. 1815 L. D. 2400 (S "A" S-428)

An Act to Amend the Provisions of the Law Relating to the Control of Hazardous Air Pollutants H. P. 1854 L. D. 2455 (S "A" S-431)

Which were PASSED TO BE ENACTED and having been signed by the President, were presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Tree Growth Tax Law H. P. 1720 L. D. 2260 (S "A" S-425)

This being an emergency measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in negative was FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, Extending the Life of the Commission to Examine the Availability, Quality and Delivery of Services Provided to Children with Special Needs H. P. 1739 L. D. 2304 (S "A" S-427 to C "A" H-613)

This being an emergency measure and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in negative was FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Out of order and under suspension of the rules, on motion by Senator NAJARIAN of Cumberland, the Senate removed from the Special Appropriations Table:

RESOLVE, Establishing a Task Force on Head Injuries H. P. 1777 L. D. 2355 (C "A" H-635)

On motion by Senator NAJARIAN of Cumberland, the Senate SUSPENDED THE RULES.

On further motion by the same Senator, the Senate RECONSIDERED its action whereby the Resolve was PASSED TO BE ENGROSSED.

THE PRESIDENT: The Senator has the floor. SENATOR NAJARIAN: Mr. President, I now offer Senate Amendment "A" under filing number S-439 and move its Adoption.

THE PRESIDENT: The Senator from Cumberland, Senator Najarian, now presents Senate Amendment "A" and moves its Adoption.

Senate Amendment "A" (S-439) was READ and ADOPTED

The Resolve was PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE

Sent down for concurrence.

Out of order and under suspension of the rules the Senate voted to consider the following:

ENACTORS

The Committee on ENGROSSED BILLS reported as truly and strictly engrossed the following:

An Act to Amend the State Income Tax Credit for the Installation of Renewable Energy Systems H. P. 1831 L. D. 2432 (H "A" H-736 to C "A" H-732)

Which was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Out of order and under suspension of the rules, the Senate voted to consider the following:

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Require Maintenance of Financial Responsibility by All Motorists: H. P. 1843 L. D. 2447 (S "A" S-392)

In House April 11, 1984 PASSED TO BE ENACTED

In Senate April 24, 1984 FAILED OF ENACTMENT in NON CONCURRENCE

Comes from the House that Body ADHERED THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Clark.

SENATOR CLARK: Thank you, Mr. President. I move that the Senate Recede and Concur and would request a Roll Call.

THE PRESIDENT: The Senator from Cumberland, Senator Clark, now moves that the Senate Recede and Concur with the House.

A Roll Call has been requested. Under the Constitution in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and

voting.

Will all those Senators in favor of ordering a Roll Call please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

SENATOR CARPENTER: Mr. President, I've got a bad cold and it's late in the evening, so I'm not going to go on.

This is a very bad Bill in my opinion, I don't have any personal interest in it, I've talked to some of the people supporting it, they acknowledge that it's a bad piece of legislation.

I just now have discovered something in the Bill that I had marked off two weeks ago and forgot to bring out in the debate, but there is an interesting little phrase in this bill that says: "that nothing that an insurance applicant says on the application may be used to bar the Company from being liable for a claim." I read that to say that if you lie on the application, even the effect of that lie does not present the company from having to pay.

I've talked about when you don't have to get your license back, and even if you had insurance at the time you were "requested", and I refuse to use the word "stopped", I heard the word "stopped", I heard the word "violation", I hear the word "accident" used time and time again, both ends of this hall, regarding this Bill, it is not in the bill. It ain't there! I've heard the phrase of "72 hours" used, it's not in the Bill. It ain't there! You don't have to get your license back, even if you show that you had insurance at the time you were stopped. If you have a "record, an accident record" or "a record of motor vehicle violations", the Secretary of State can refuse to give you back your license. It is bad, bad legislation.

Thirty thousand of our constituents, many of them who will have insurance, will lose their licenses and will have to pay a lousy \$25 reinstatement fee. I think this is bad legislation, I would oppose the motion and hope that you vote against it. Thank you.

THE PRESIDENT: The question before the Senate is the motion of the Senator from Cumberland, Senator Clark, that the Senate Recede and Concur with the House.

The Chair recognizes the Senator from Washington, Senator Brown.

SENATOR BROWN: Mr. President, I request leave of the Senate to pair my vote with the Senator from Kennebec, Senator Dow. If he were here, he would be voting Yea and I would be voting Nay.

THE PRESIDENT: The Senator from Washington, Senator Brown, requests Leave of the Senate to pair his vote with the Senator from Kennebec, Senator Dow. If he were here he would be voting Yea, and the Senator from Washington, Senator Brown, would be voting Nay.

Is it the pleasure of the Senate to grant this Leave?

It is a vote.

The pending question before the Senate is the motion of the Senator from Cumberland, Senator Clark, that the Senate Recede and Concur with the House.

Is the Senate ready for the question?

A Yes vote will be in favor of Receding and Concurring with the House.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the roll.

ROLL CALL

YEAS—Senators, Charette, Clark, Danton, Dutremble, Erwin, Hayes, Hichens, Kany, Min-kowsky, Najarian, Perkins, Shute, Trafton, Usher.

NAYS—Senators, Baldacci, Bustin, Carpenter, Collins, Diamond, Emerson, Gill, McBreairty, Pearson, Pray, Redmond, Sewall, Teague, Twitchell, Violette, Wood, The President—Gerard P. Conley.

ABSENT—None

14 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 2 Senators Pairing their votes, the motion to RECEDE and CONCUR with the House FAILED

THE PRESIDENT: Is it now the pleasure of the Senate to ADHERE?

It is a vote.

ENACTORS

The Committee on ENGROSSED BILLS reported as truly and strictly engrossed the following:

An Act to Require that the Aid to Families with Dependent Children Program Promote Family Unity S. P. 652 L. D. 1842 (S "A" S-422 to C "A" S-383)

An Act to Provide Funding from the Blueberry Industry Tax to Promote Market Development for the Blueberry Industry H. P. 1816 L. D. 2406 (S "A" S-368; S "C" S-429)

An Act to Provide Funds for an Increase in the Aid to Families with Dependent Children's Standard of Need H. P. 1851 L. D. 2450 (S "A" S-430)

An Act to Amend the Potato Price Stabilization Program H. P. 1774 L. D. 2352 (S "A" S-347; S "B" S-433)

An Act to Increase the Number of Superior Court Justices and District Court Judges S. P. 842 L. D. 2262 (S "A" S338; S "B" S-426 to H "B" H-544)

An Act to Establish the Maine Job-start Program H. P. 1855 L. D. 2456 (S "A" S-437)

Which were PASSED TO BE ENACTED and having been signed by the President, were presented by the Secretary to the Governor for his approval.

Emergency

An Act Making Appropriations from the General Fund to Implement Certain Recommendations of the Governor's Commission on the Status of Education in Maine for the Fiscal Years Ending June 30, 1984, and June 30, 1985 H. P. 1743 L. D. 2297 (S "A" S-434 to C "A" H-716)

This being an emergency measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in negative was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator PRAY of Penobscot, there being no objections, all matter previously acted upon were sent forthwith.

OFF RECORD REMARKS

On motion by Senator PRAY of Penobscot

RECESSED until the sound of the Bell

RECESS

AFTER RECESS

Senate called to order by the President

Out of order and under suspension of the rules, the Senate voted to consider the following:

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on TAXATION on Bill "An Act to Replace the Franchise Tax on Financial Institutions" (Emergency) H. P. 1802 L. D. 2394

Reported that the same OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-733).

Signed:

Senators:

WOOD of York

TWITCHELL of Oxford

Representatives:

CASHMAN of Old town

DAY of Westbrook

INGRAHAM of Houlton

JACKSON of Harrison
KANE of South Portland
KILCOYNE of Gardiner
MASTERMAN of Milo
McCOLLISTER of Canton

The Minority of the same Committee on the same subject reported that the same OUGHT TO PASS IN NEW DRAFT under same title H. P. 1870 L. D. 2472

Signed:

Representative:

ANDREWS of Portland

Comes from the House with the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-733)

Which Reports were READ

The Majority OUGHT TO PASS as Amended Report was ACCEPTED, in concurrence.

The Bill READ ONCE

Committee Amendment "A" (H-733) was READ and ADOPTED, in concurrence.

THE PRESIDENT: Is it the pleasure of the Senate that under suspension of the rules, this Bill be given its Second Reading at this time by title Only?

It is a vote.

Under suspension of the rules, the Bill READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

Sent forthwith to the Engrossing Department.

ENACTORS

The Committee on ENGROSSED BILLS reported as truly and strictly engrossed the following:

Emergency

An Act to Amend the Law Concerning Suspensions of Drivers' Licenses on Administrative Determination of Blood-alcohol Content H. P. 1874 L. D. 2476

This being an emergency measure and having received the affirmative vote of 27 Members of the Senate, with No Senators having voted in negative was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act Relating to the Use of Implements and Devices in Washington County Waters H. P. 1873 L. D. 2475 (H "A" H-737)

This being an emergency measure and having received the affirmative vote of 26 Members of the Senate, with No Senators having voted in negative was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

OFF RECORD REMARKS

On motion by Senator CARPENTER of Aroostook

ADJOURNED until 10 o'clock tomorrow morning.